

1 Honorable Marsha J. Pechman
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7 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 SCOTT MILLER, an individual, MICHAEL
SPAULDING, an individual,

9 Plaintiffs,
10
11 v.
12 KSHAMA SAWANT, an individual. CITY OF
SEATTLE, a municipal corporation,

13 Defendant.

NO. C18-0506MJP

DECLARATION OF DANIEL A. BROWN
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

Noted for Consideration:
February 3, 2023

14 I, Daniel A. Brown, declare as follows:

15 1. I am a member at Williams Kastner, attorneys for Plaintiffs in this action, and I
make this declaration based on my personal knowledge. If called to testify I would be
16 competent to do so.

17 2. Attached hereto as Exhibit A is a true and correct copy of the Transcript of
Deposition of Defendant Kshama Sawant, dated January 12, 2023.

18 3. Attached hereto as Exhibit B is a true and correct copy of a MyNorthwest
article, "Attorneys Weigh In on Police Officers' Lawsuit Against Kshama Sawant," dated
21 August 22, 2017.

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DECLARATION OF DANIEL A. BROWN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT - 1
(2:18-cv-00506-MJP)

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

The foregoing statement is made under penalty of perjury under the laws of the United States of America and is true and correct.

DATED this 30th day of January, 2023, at Seattle, Washington.

s/Daniel A. Brown
Daniel A. Brown, WSBA #22028
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DECLARATION OF DANIEL A. BROWN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT - 2
(2:18-cv-00506-MJP)

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 30, 2023, I electronically filed the foregoing with the
3 Clerk of the Court using the CM/ECF system which will send notification of such filing to all
4 CM/ECF participants.

5 s/ Daniel A. Brown
6 Daniel A. Brown, WSBA #22028
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DECLARATION OF DANIEL A. BROWN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT - 3
(2:18-cv-00506-MJP)

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Exhibit 1

Kshama Iyengar Sawant

January 12, 2023

Page 1

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT MILLER, an individual,) No. 2:18-cv-00506
MICHAEL SPAULDING, an) MJP
individual,)
Plaintiffs,)
vs.)
KSHAMA SAWANT, an individual.)
CITY OF SEATTLE, a municipal)
corporation,)
Defendants.)

Deposition Upon Oral Examination Of

KSHAMA IYENGAR SAWANT

January 12, 2023

601 Union Street, Suite 4100
Seattle, Washington

REPORTED BY: PEGGY FRITSCHY HAMILTON, RPR, CSR, CLR,
29906/No. 2704

Kshama Iyengar Sawant

January 12, 2023

	Page 2	Page 4
1	APPEARANCES:	EXHIBITS CONT'D
2	For the Plaintiffs: SUMER SINGLA	NO. DESCRIPTION MARKED
3	JESSICA COX	10 Merriam-Webster excerpt definition 91
4	Williams, Kastner & Gibbs PLLC	"murder"
5	601 Union Street	11 Merriam-Webster excerpt definition 91
6	Suite 4100	"unlawful"
7	Seattle, Washington 98101-2380	12 Merriam-Webster excerpt definition 91
8	(206) 628-6600	"wrongful"
9	Ssingla@williamskastner.com	13 Merriam-Webster excerpt definition 91
10	Jcox@williamskastner.com	"criminal"
11	For the Defendants: DMITRI L. IGLITZIN	14 KUOW article, "Inquest jury finds 141
12	JACOB HARKSEN (via telephone)	Che Taylor posed a threat to Seattle
13	Barnard Igltzin & Lavitt LLP	Police
14	18 West Mercer Street	15 Transcript Excerpt of Recorded 147
15	Suite 400	Facebook Post Entitled: KOMO News
16	Seattle, Washington 98119-3971	was live - at Magnuson Park,
17	(206) 257-6003	June 20, 2017, Rally and vigil for
18	igltzin@workerlaw.com	Charleena Lyles
19		16 Video recording (postmarked.)
20		20
21		21 EXAMINATION
22		22 BY PAGES
23		23 ATTORNEY SINGLA 5 - 174
24		24
25		25 ***** (* Denotes phonetic spelling.)
	Page 3	Page 5
1	EXHIBITS	Seattle, Washington; Thursday, January 12, 2023
2	NO. DESCRIPTION MARKED	1:08 p.m.
3	1 Defendant Kshama Sawant's Answer 42	-----
4	and Affirmative Defenses to	4 KSHAMA SAWANT: witness herein, having been
5	Plaintiffs' Third Amended Complaint	5 duly sworn by the Court Reporter
6	2 Third Amended Complaint and Jury 42	6 testified as follows:
7	Demand	7
8	3 Transcript of Recording Entitled: 42	8 * * *
9	"CM Sawant 02-25-16 Speech"	9 E-X-A-M-I-N-A-T-I-O-N
10	4 Plaintiffs' First Written Discovery 42	10 BY ATTORNEY SINGLA:
11	to Defendant Sawant and Defendant's	11 Q. Good afternoon, Councilmember. My name is
12	First Supplemental Responses and	12 Sumeer Singla. I work for Williams, Kastner, & Gibbs,
13	Objections	13 and my firm represents the plaintiffs in this case,
14	5 Audio recording (postmarked.)	14 Officer Spaulding and Officer Miller.
15	6 Local News The Seattle Times, 'Black 52	Before we get started, have you ever had
16	Lives Matter' protesters demand	your deposition taken before?
17	firing of police chief after fatal	A. Yes.
18	shooting	Q. How many times?
19	7 Final Interrogatories to the Inquest 53	A. Once.
20	Jury	Q. And when was that?
21	8 Declaration of Kshama Sawant in 53	A. I don't remember exactly when, but maybe a
22	Support of Defendant Sawant's Motion	year, maybe a couple of years ago.
23	for Summary Judgment	Q. And what was that regarding, that deposition?
24	9 November 14, 2017, email to Kshama 70	A. That was regarding a campaign, public
25	Sawant from Adam Ziemkowski	campaign that my office was involved in in relation to

2 (Pages 2 to 5)

Kshama Iyengar Sawant

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	Page 6	Page 8
1	the Showbox Building.	1 Q. And I'm going to go a little bit back.
2	Q. Was that part of a lawsuit, or just part of	2 Before your degree from University of Mumbai, where
3	an investigation?	3 did you go to school?
4	A. I believe it was part of an initial	4 A. At St. John's High School.
13:09:36 5	investigation the opposing counsel was doing in	13:11:50 5 Q. Where was that?
6	preparation for a lawsuit, but I couldn't tell you	6 A. In Mumbai.
7	precisely.	7 Q. What did you do after you obtained your
8	Q. Okay. So you kind of understand how this is	8 computer engineering degree in 1994?
9	going to go. And that's the only time you've been	9 A. I worked for maybe close to two years, and
13:09:48 10	deposed?	then after that, I moved to the United States upon
11	A. That's correct.	marriage.
12	Q. So to set the ground rules, I'm going to ask	12 Q. And where did you work for those two years?
13	a series of questions. You are under oath, so you'll	13 A. The last place I worked at was a place called
14	have to answer those questions. Mr. Igltzin is going	14 DCS, Data Consulting Services, and before that, I was
13:10:01 15	to make some objections, and that's to preserve the	13:12:38 15 at a place called Bellwether Technologies, which was
16	record. You still have to answer those questions,	16 the place where I worked for the longest period.
17	despite the objections. There may be some objections	17 Q. And what kind of work did you do?
18	he makes directing you not to answer the question	18 A. It was software development and design.
19	based upon privilege, and I'll leave that between you	19 Q. And was that in India?
13:10:19 20	two to work out.	20 A. Yes.
21	I'm going to assume you understand my	21 Q. In Mumbai?
22	question if I get an answer from you. If you don't	22 A. Yes.
23	understand my question, just let me know. I'm more	23 Q. Where did you move to when you moved here
24	than happy to rephrase it or explain a little bit	24 into the United States?
13:10:33 25	more. Fair enough?	25 A. North Carolina.
	Page 7	Page 9
1	A. (Witness nods head.)	1 Q. That would be approximately 1996?
2	Q. The other thing we're going to have to do --	2 A. Yes.
3	Dmitri knows exactly where I'm going -- is no head	3 Q. Did you work in the computer industry when
4	nods, no um-hums, uh-uh. We'll have to do a yes or	4 you were in North Carolina?
13:10:43 5	no, because everything is going to be written down by	13:13:10 5 A. I did work there.
6	the court reporter. If we were on video, we could	6 Q. Where?
7	maybe get away with it a little bit. But she's, the	7 A. At Nortel Network.
8	court reporter is looking at me saying, Yeah, maybe	8 Q. Where in North Carolina did you move to?
9	not.	9 A. In the Raleigh-Durham area. It's called "The
13:10:55 10	A. Um-hum, understood.	13:13:24 10 Triangle."
11	Q. Before we get started, let's put your full	11 Q. And how long did you work for Nortel?
12	name on the record, and spell your last name.	12 A. Probably for a year and a half or so, and --
13	A. My full name is Kshama Iyengar Sawant, and my	13 yeah. I mean, I couldn't tell you, exactly, but along
14	last name is spelled S-a-w-a-n-t.	14 that time.
13:11:09 15	Q. Okay. And my understanding is that -- well,	13:13:40 15 Q. I don't need the exact dates. Just kind of
16	we're going to start with your educational background.	16 an approximation. I'm trying to kind of understand
17	My understanding is you have a bachelor's degree in	17 your background.
18	computer science; is that right?	18 My understanding is you started your Ph.D.
19	A. Computer engineering, yes; but...	19 program in North Carolina; right?
13:11:25 20	Q. When did you get that degree?	13:13:53 20 A. I did.
21	A. In 1994.	21 Q. Where was that?
22	Q. From where?	22 A. At North Carolina State University.
23	A. India.	23 Q. And how long did that take?
24	Q. Where in India?	24 A. So I enrolled in the program in 2000. And I
13:11:31 25	A. University of Mumbai.	was taking some classes before then, but I, you know,

3 (Pages 6 to 9)

Kshama Iyengar Sawant

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	Page 10	Page 12
13:14:27 5	<p>1 enrolled in the master's program, and then went on to 2 doing my Ph.D. And I moved to Seattle as I was doing 3 my final work on my dissertation.</p> <p>4 Q. Were you working during that time?</p> <p>5 A. I was, on campus.</p> <p>6 Q. Oh, okay.</p> <p>7 A. It was, it was a fully funded Ph.D. program, 8 and part of that was for me to work either as a 9 teaching assistant or research assistant. And I</p> <p>10 worked in both functions at different times.</p> <p>11 Q. Let's button this up. When did you move to 12 Seattle?</p> <p>13 A. I moved in 2006.</p> <p>14 Q. Okay. Now I'm going to go back to your</p> <p>15 teaching responsibilities while you were in your Ph.D. 16 program. What did you teach?</p> <p>17 A. I taught various classes in economics.</p> <p>18 Q. Can you give me an idea what kinds of 19 classes?</p> <p>20 A. Yes. Microeconomics, macroeconomics, 21 something called mathematical economics or mathematics 22 for economists. It's called in different ways.</p> <p>23 Q. Were you the professor or teaching assistant?</p> <p>24 A. I was the professor.</p> <p>25 Q. And what kind of research assistant jobs did</p>	<p>13:16:56 5</p> <p>13:17:12 10</p> <p>13:17:31 15</p> <p>13:17:44 20</p> <p>13:18:03 25</p> <p>1 Q. Okay. Any kind of classes dealing with the 2 law during your engineering program?</p> <p>3 A. No.</p> <p>4 Q. Now, coming to your program when you are 5 getting ready to get into your master's and your 6 Ph.D., did you take any law classes at that time?</p> <p>7 A. There weren't any law classes, because it was 8 an economics program, but it's not uncommon in the 9 economics program to have classes that focus on the 10 economics of any particular area; like for example, 11 environmental economics or economics of a particular 12 industry. So similarly there were classes being 13 offered like related to law, so I did take one 14 law-in-economics class.</p> <p>15 Q. Right. That's where I was going to go. So 16 there's classes like law in economics, if you are 17 getting an MBA. There's a business law class. Any 18 kind of classes you took, if you remember?</p> <p>19 A. That's what I'm saying. I took one 20 law-in-economics class in my graduate program.</p> <p>21 Q. What did that entail?</p> <p>22 A. It was to look at how economic outcomes, you 23 know, macroeconomic, and even microeconomic in terms 24 of individual behavior, how they might be related to 25 current -- the status quo of the law. But it was</p>
	Page 11	Page 13
13:15:48 5	<p>1 you do?</p> <p>2 A. I did research for Dr. Robert Clark, who was 3 also my principal dissertation advisor, and his 4 research -- and so I assisted him in his research.</p> <p>5 Q. And what kind of research was that?</p> <p>6 A. His area of focus was on the economics of 7 aging, and so it was to do with various aspects of 8 statistical analysis and other economic analysis 9 related to economics of aging.</p> <p>10 Q. Now I'm going to take you all the way back to 11 your BA program when you were in Mumbai. Did you take 12 any classes, law classes at that time?</p> <p>13 A. I did not.</p> <p>14 Q. Any business law classes?</p> <p>15 A. No.</p> <p>16 Q. International --</p> <p>17 A. Just to clarify. It was not a BA. It was a 18 bachelor of engineering.</p> <p>19 Q. Bachelor of engineering. BA is bachelor of 20 arts.</p> <p>21 Any economics classes -- not economics, 22 business law classes in your engineering program?</p> <p>23 A. No.</p> <p>24 Q. Any international law classes?</p> <p>25 A. No.</p>	<p>1 mostly economics, not law.</p> <p>2 Q. Okay. That's fair enough. Any international 3 law classes?</p> <p>4 A. No.</p> <p>5 Q. Any criminal law classes?</p> <p>6 A. No.</p> <p>7 Q. Fair to say you haven't been to law school?</p> <p>8 A. It is accurate to say that I have not been to 9 law school.</p> <p>10 Q. And you are not a lawyer?</p> <p>11 A. I'm not a lawyer.</p> <p>12 Q. You are not a judge?</p> <p>13 A. No.</p> <p>14 Q. Okay. What did you do when you moved to 15 Seattle in 2006?</p> <p>16 A. I was still working on my dissertation at 17 that time, so that was my primary responsibility.</p> <p>18 Q. And how long did you work on your 19 dissertation?</p> <p>20 A. I was working on it and then I was also doing 21 some internship type of work, and also just looking 22 for political organizations around that time. So I 23 defended my dissertation in 2008.</p> <p>24 Q. Okay. And what did you do after that?</p> <p>25 A. I -- just the process of the dissertation is,</p>

4 (Pages 10 to 13)

Kshama Iyengar Sawant

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	Page 14	Page 16
13:19:37	<p>1 I mean, it goes in this way: First, you defend your 2 dissertation, so that's what I did in 2008. And that 3 is pretty much the final step in terms of getting your 4 dissertation, but it doesn't finally get entered as a 5 dissertation until you finish the writing of it. From 6 the time I defended my dissertation till early 2010, I 7 think which is when my dissertation officially got 8 recorded, so that's what I was working on.</p> <p>9 Q. So between 2006 and 2010, were you employed 10 anywhere in the city of Seattle? In Washington state, 11 I should say.</p> <p>12 A. No, I was not employed.</p> <p>13 Q. My understanding is after -- so would it be 14 fair -- my understanding is you taught some classes at 15 some local colleges and universities here in 16 Washington state; is that correct?</p> <p>17 A. That is correct.</p> <p>18 Q. And where did you teach?</p> <p>19 A. I believe I started in 2010, and I started in 20 various locations. One was at Seattle Central 21 College. One -- and not one, as in many classes, but 22 one of those places was Seattle Central College. 23 Another place was Seattle University, and another was 24 the University of Washington in Tacoma, and I also taught classes at University of Washington. You know,</p>	<p>13:22:09</p> <p>1 campus, you were teaching in one or more of those 2 places?</p> <p>3 A. That's correct.</p> <p>4 Q. And what were you teaching? What kind of 5 subjects were you teaching?</p> <p>6 A. Overall, I would say, if you combine all of 7 the teaching I did, primarily it's microeconomics and 8 macroeconomics, because those are basic classes that 9 all students who want a major have to take. But I 10 also taught, like, for example, in the University of 11 Washington Tacoma, I taught a class on global poverty 12 and another class on the political economy of India. 13 And I also taught some statistics classes at UW 14 Tacoma.</p> <p>15 Q. So this is going to be a little bit of a 16 broader question. Between 1996, when you came over to 17 the United States, until 2016, did you ever serve as a 18 judge in the United States?</p> <p>19 A. No.</p> <p>20 Q. Did you ever serve as a lawyer?</p> <p>21 A. No.</p> <p>22 Q. Did you ever serve as a legal advocate of any 23 kind?</p> <p>24 A. No.</p> <p>25 Q. In 2013, my understanding is you ran for the</p>
	Page 15	Page 17
13:20:55	<p>1 I was invited as a guest lecturer at the University of 2 Washington in Seattle.</p> <p>3 Q. I'm just going to give you a little bit of 4 forecast on where we are going to go. We're going to 5 break down each one of these.</p> <p>6 When did you teach at Seattle Central 7 College?</p> <p>8 A. I don't remember exact, the term of my 9 employment there, but it was around the time of 10 2000-- in the period of 2010 to 2012.</p> <p>11 Q. What did you teach?</p> <p>12 A. Economics classes.</p> <p>13 Q. What kind of economics classes?</p> <p>14 A. I taught microeconomics and macroeconomics.</p> <p>15 I think I also taught a class related to environment 16 economics, but I don't recall, exactly.</p> <p>17 Q. And what about at Seattle U? When did you 18 teach there?</p> <p>19 A. All those places were all around that time, 20 and there were periods when I was teaching classes at 21 more than one place.</p> <p>22 Q. Fair to say, then, between 2010 and 2012, you 23 were teaching either at Seattle Central College, 24 Seattle University, University of Washington Tacoma, 25 or University Washington as a guest lecturer, the main</p>	<p>13:23:08</p> <p>1 House of Representatives in the 43rd in 2012; is that 2 right?</p> <p>3 A. That's correct.</p> <p>4 Q. And then in 2013 you ran for city council; is 5 that right?</p> <p>6 A. That is correct.</p> <p>7 Q. Why did you run for city council?</p> <p>8 A. It was a collective decision by my 9 organization, which I'm a part of, and we collectively 10 decided it was a good time to show an example of what 11 a genuine representative of working people looks 12 like, what the campaign would look like, and how we 13 should push back against the status quo.</p> <p>14 Q. I appreciate it was a collective decision.</p> <p>15 My question wasn't whose decision it was. My question 16 was, why did you, Councilmember Sawant, personally 17 decide to run for city council?</p> <p>18 A. As I said, I was among the members of 19 Socialists Alternatives, my organization, who all 20 believed, and that includes me, that it was a really 21 good moment to demonstrate what a genuine elected 22 representative looks like, or at the very least, show 23 what that campaign looks like. This was in the wake 24 of the occupy movement.</p> <p>13:24:06</p> <p>25 Q. Why you and not somebody else from that</p>

5 (Pages 14 to 17)

Kshama Iyengar Sawant

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	Page 18	Page 20
1	movement?	1 A. Well, it's a lot, but that encapsulates
2	A. That was not my personal decision.	2 broadly the role we believe of an elected
3	Q. Who made the decision to put your name up?	3 representative.
4	A. The membership of Socialist Alternative voted	4 Q. That sounds more like a philosophy on your
13:24:49	5 on who the candidate should be.	5 governance. My question is more about, as a sitting
6	Q. And that was, they voted on you?	6 city council member when you started in 2014, what did
7	A. Yes.	7 you believe your duties and your role was in the
8	Q. Why did you accept their vote?	8 structure of Seattle city government?
9	A. Because it was the correct thing to do.	9 A. As I said before, I believe that at any
10	Q. What do you mean by that?	10 moment an elected representative's role, an elected
11	A. One is because we are a democratic	11 representative of working people, their role is to
12	organization. Unlike the Democratic and Republican	12 serve the people they claim to represent.
13	parties, we actually take the discussion that happens,	13 So I can say that, specifically, in 2014,
14	the democratic discussion that happens in the	14 for example, we had just won our election campaign
15	organization very seriously, and we, we -- you know,	15 with a campaign platform that prominently brought up
16	it shows how political parties should actually	16 the question of the \$15 minimum wage. So concretely,
17	operate, where the rank-and-file members have a say in	17 the first task that my office -- when I say "we," I
18	who runs, what the campaign platform should be.	18 mean my office took on -- is the Fight for 15. For
19	Things like that.	19 example, in the first few weeks of my first year, we
20	And suddenly if I didn't agree -- if I	20 launched the 15 Now campaign and launched the Fight
21	personally hadn't agreed with the idea that we should	21 for 15, alongside labor unions.
22	run a genuine campaign at this moment, then I would	22 Q. So let me try a different way. Do you
23	not have agreed. But I agreed with that decision, so	23 believe you had to perform certain legislative duties
24	I agreed with the overall decision, which included my	24 as a Seattle city council member between 2014 and
25	candidacy.	25 2016?
	Page 19	Page 21
1	Q. Did you inform your membership that you were	1 A. Fighting for 15 was a legislative duty, so
2	interested in being put up as a candidate?	2 maybe you should define what you mean by "legislative
3	A. I did not.	3 duty," and then I can answer.
4	Q. Have you ever served on a jury in any	4 Q. Sure. What do you think legislative duty
5	context?	5 means?
6	A. I have not.	6 A. To me, the role of a city council member as
7	Q. My understanding is you got elected in 2013	7 an elected representative is to fight for working
8	and began your service in, I believe, 2014; right?	8 people. Part of it is winning actual reforms, like
9	A. That's correct.	9 \$15 an hour, like the Amazon tax. Those are concrete
10	Q. Can you describe your understanding of your	10 pieces of legislation. They're ordinances, so that is
11	role as a city council member between 2014 and 2016?	11 part of the legislative responsibility.
12	A. I can, except I'm not clear why you are	12 I'm sure that other elected officials
13	demarcating that period, because I don't know that I	13 define it differently, so that's my definition.
14	would define my role differently in any given period.	14 Q. My understanding of your definition is that
15	Q. You can wonder about that. That's the	15 you would be passing ordinances and other laws within
16	question I get to ask. My question is, between 2014	16 the City of Seattle structure to forward your
17	and 2016, what did you believe your role was as a	17 ideological beliefs. Would that be fair to say is
18	Seattle city council member?	18 your legislative duties?
19	A. As any year in my nearly ten-year -- I mean	19 ATTORNEY IGLITZIN: I object to the form
20	ten-year, decade-long city council office tenure, in	20 of the question.
21	that period, just like in any other period of my	21 Q. Go ahead.
22	tenure, I believed that my duty, political and moral	22 A. Can you clarify what you mean by --
23	duty was to serve working people and marginalized and	23 Q. Well, I'm just trying to figure out what you
24	oppressed communities.	24 just --
25	Q. Anything else?	25 ATTORNEY SINGLA: Well, actually, Madam

6 (Pages 18 to 21)

Kshama Iyengar Sawant

January 12, 2023

	Page 22	Page 24
1	Reporter, do you mind reading back the answer,	1 directly if we are in the committee.
2	councilmember's answer to, What do you believe the	2 Q. Right. So you get more involvement if you
3	legislative duties are.	3 are in a committee in formulating the legislation, and
4	(Reporter read back as requested	4 a little bit less involved if the legislation comes
13:31:15	the last answer.)	13:33:20 5 out of committee that you are not on, and then you get
6	Q. So I want to focus on that. One of the	6 to participate during the entire council meeting
7	things you said in defining it for yourself was that	7 process; fair to say?
8	you believe that part of your legislative duties was	8 ATTORNEY IGLITZIN: Object to the form.
9	passing concrete pieces of legislation and ordinances.	9 And I wanted to ask you to pause for a
13:31:31	10 Would that be fair to say?	13:33:30 10 second after his question to give me a chance to
11	A. That's part of the legislative	11 object, if I think it's appropriate.
12	responsibility, yes.	12 Q. Would that be fair to say, the way that I
13	Q. Do you believe that setting the budget is	13 described?
14	part of the legislative duties that you have as a City	14 A. Please repeat. Sorry.
13:31:42	15 of Seattle council member?	13:33:39 15 Q. Sure. Absolutely. Your involvement in a
16	A. It's part of the work that the city council	16 piece of legislation would be a little bit more if you
17	as a whole, obviously to pass a budget, so that goes	17 served on a committee where that piece of legislation
18	without saying.	18 started, initiated, or was first reviewed, as compared
19	Q. And you sit as a city council member and are	19 to your involvement in a piece of legislation if you
13:31:56	20 engaged in participating in the discussions regarding	20 were reviewing it as part of the entire city council
21	passing the budget; correct?	21 when you were in the, what I would call, the committee
22	A. Sorry. Are you saying am I involved in the	22 of the whole. Is that fair to say?
23	discussion?	23 A. I think it would depend on what kind of
24	Q. Yes.	24 legislation we're talking about. Because the
13:32:04	25 A. Yes, I am involved in the discussion.	25 involvement, as you are calling it, or I would say as
	Page 23	Page 25
1	Q. And you vote on whether or not a budget is	1 a role of an elected representative I think is
2	passed; right?	2 partially determined by whether you are a member of
3	A. Yes, that's -- every council member has to	3 the committee or not, but it's also very much
4	vote on it.	4 determined by how important or relevant a given
13:32:13	5 Q. And part of the legislative duties for a city	13:34:35 5 proposed legislation is to working people. And so it
6	6 of Seattle council member is also to pass regulation	6 could -- my engagement on a particular issue wouldn't
7	7 and ordinances like we spoke about; right?	7 just be limited to the committee. It could be
8	A. That's correct.	8 attending a town hall on the given issue, for example.
9	Q. And you participate in that process of	9 Q. Not talking about town halls. Not talking
13:32:25	10 developing regulations and ordinates; correct?	10 about external. Right now I'm just talking about you
11	A. Depends on which regulation and ordinance you	11 working in city hall and how legislation works and how
12	are talking about, but yes, in general, that's true.	12 it moves through the process. Okay? So when it moves
13	Q. Any legislation and ordinance, even if it	13 through the process -- let me shift gears for a
14	comes out of committee, at the end of the day gets	14 second -- you have an opportunity to propose any
13:32:42	15 voted by the entire council; right?	15 amendments that you would like to a certain piece of
16	A. Yes. In the sense, when you say involved,	16 legislation at a certain point during the process;
17	one might assume that it's a committee hearing. Not	17 right?
18	all council members are in every committee.	18 A. Again, it depends if it is something that can
19	Q. Right.	19 be presented as an amendment in that given situation.
13:32:51	20 A. So in that sense, yes, when the vote -- when	20 Q. Right. So let me break it down for you even
21	the legislation finally comes to a vote to the full	21 further. When a piece of legislation comes to the
22	city council, yes, my office reviews everything, and	22 entire city council, the committee as a whole to be
23	then we decide which way to vote.	23 voted on -- do you follow me so far?
24	Q. And --	24 A. Yes.
13:33:05	25 A. And in some cases, we are involved much more	25 Q. When that piece of legislation or ordinance,

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13:36:08	<p>1 regulation, that is being proposed, comes to the city 2 as a whole, you as a council member can propose any 3 amendments that you would want to that legislation; 4 correct? Is that true?</p> <p>13:36:08 5 A. I don't know what you mean by "any." It 6 depends on what the situation is.</p> <p>7 Q. Well, if you wanted to change something that 8 was in that legislation and that ordinance, you could 9 process an amendment to change it; right?</p>	<p>13:36:21 10 A. It depends on what the situation is. But if 11 we -- if it was possible within the framework of that 12 legislation, and if we felt -- "we," meaning my 13 office -- felt it was warranted, then, yes, we would 14 process a legislation -- I mean, an amendment.</p> <p>13:36:37 15 Q. Let me in ask it the other way. Nothing 16 prevents you from proposing amendments to ordinances 17 to a city charter; right?</p> <p>18 A. I don't know which amendments you are talking 19 about.</p> <p>13:36:53 20 Q. Amendments to an ordinance. What I'm talking 21 about is amendments to an ordinance. If a piece of 22 ordinance comes up for your vote as a committee as a 23 whole, nothing prevents you from proposing an 24 amendment to that ordinance when you are sitting in a meeting of the whole; right?</p>
13:37:11		<p>13:38:52 13:39:16 10 Q. Not talking about the police guild. I want 11 to focus on the first sentence that you said in your 12 answer, which is, the city council also reviews the 13 policies and procedures of the Seattle Police 14 Department. You, as part of the city council, one of 15 nine members of the city council, you can also review 16 the policies and procedures for the Seattle Police 17 Department; correct?</p> <p>18 A. That is correct.</p> <p>19 Q. And if you wanted to offer any changes, you could formulate legislation in the form of an ordinance or a regulation to impact the change in the City of Seattle Police Department's policies and procedures; correct?</p> <p>20 A. I'm not actually sure how that process would be, so that is why I am not being -- I'm not being</p>
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13:37:25	<p>1 A. It's a question of whether we want to present 2 an amendment or not. I'm not exactly sure if I 3 understand. When you say "nothing prevents," what 4 does that mean?</p> <p>13:37:25 5 Q. Is there any law or rule that prevents you 6 from proposing an amendment? I know you may not want 7 to do it, but is there anything that prevents you, as 8 far as a law or a rule or anything in the charter?</p> <p>9 A. The charter says that you should present 10 amendment -- I mean, not the charter says, but the 11 understanding is that you would present amendments if 12 they're relevant to that legislation.</p> <p>13 Q. And the same would apply to the city budget; 14 right? If you wanted to present amendments to the 15 city budget, you could do that; right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Now, part of the policy, or part of 18 the legislation or the policies that you would vote on 19 or review when you are sitting on the committee of the 13:38:13 20 whole, those policies includes policy governing police 21 departments; right?</p> <p>22 A. The police department is one of the 23 departments that the city council reviews the policies 24 of.</p> <p>13:38:32 25 Q. And in doing that review, you, as a council</p>	<p>13:39:47 13:40:00 10 1 very exact about this, because I don't know exactly 2 what you are asking, and I'm also not sure if at that 3 level, we can do it.</p> <p>4 What I do know, and which I have done 13:40:20 5 repeatedly and that's available for the public to see, 6 is express my opinions on what, what kind of overview 7 or review there should be of police policies and 8 procedures, and overall what say ordinary people, you 9 know, Seattle's voters should have on those policies and procedures.</p> <p>13:40:47 13:41:09 10 11 Q. We're not talking about expressing -- giving 12 a speech in a city council meeting or expressing an 13 opinion. What I'm talking about is actual votes; 14 right? I'm talking about you taking action, so let me 15 ask the question a different way.</p> <p>16 You, as one of nine council members, vote 17 on who the chief of police is going to be; right?</p> <p>18 A. That is correct.</p> <p>19 Q. You, as one of nine council members, vote on 20 what the budget for the Seattle Police Department is 21 going to be; correct?</p> <p>22 A. That is correct.</p> <p>23 Q. You, as one of nine council members, in 24 voting on the budget for the Seattle Police Department, have an understanding of how many Seattle</p>

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1	police officers are going to be hired as part of that	1 requirements -- let's just leave it at that for a
2	budgeting process; right?	2 second -- certain budgetary requirements were, in
3	A. That's correct.	3 fact, being followed by an agency? My question was,
4	Q. And you also, you said that you also serve --	4 what would the city council do, or what would your
13:41:31 5	as one of those nine council members, you also serve	5 role be?
6	as a policy making role that oversees the Seattle	6 A. I mean, it's a very sweeping question, so I
7	Police Department; right?	7 don't know if you can narrow it down a little bit.
8	A. That is what I'm saying. I don't think that	8 Q. I'm just following along with your answer.
9	the -- I mean, at least to my knowledge, the city	9 You said that the agencies report to the mayor, the
13:41:48 10	council -- when you say the police chief, yes, but I	10 city council's role as far as overseeing is to ensure
11	don't consider that a policy or procedure. When you	11 that the agencies are doing what the requirements are
12	say, how many police officers, which is discussed in	12 as they would be set by the city council through the
13	the budget because that's part of the budget	13 budget process.
14	procedure, I don't consider that policy or procedure.	14 So my question is: How does the city
13:42:03 15	I consider that -- you know, how many police officers	15 council go about ensuring that the agencies are
16	is a very specific thing.	16 following the requirements that were set by the city
17	Those kinds of things, yes, are routinely	17 council through the budget process?
18	discussed every budget. Every year the budget	18 A. One aspect of this is to use the, you know,
19	discusses those things. Every time there is a police	19 the relevant committees and to bring back the
13:42:18 20	chief, you know, the need to appoint a new police	20 questions that were -- like, for example, if there was
21	chief, that comes to the city council, yes.	21 an allocation done in a given budget, then go over it
22	Q. So my understanding is, it's your testimony	22 in a period of a few months to review it.
23	here that you don't have any direct role in guiding	23 And then the city council also relies on
24	policy for the Seattle Police Department?	24 various kinds of staff, so the city council has the
13:42:37 25	A. As an elected representative of working	25 staff or the department staff themselves.
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1	people, I do have a role in expressing my opinion on	1 But all of this is, the way you are
2	what I believe might be problematic in any given	2 defining it is narrowly in terms of what happens in
3	department, and that it needs to be changed.	3 the designated meetings. In my view, the role of an
4	Q. Do you have a role in conducting	4 elected representative in terms of demanding
13:43:02 5	investigations of agencies in the City of Seattle	5 accountability, especially with the police department,
6	government?	6 goes well beyond that. And in terms of really
7	A. Can you explain?	7 engaging working people, or the public, maybe you want
8	Q. Sure. The City of Seattle government has a	8 to call it, in really understanding what's going
9	number of agencies, from FAS to the human resources	9 wrong, what is -- and in some cases, what is
13:43:19 10	department to the public utilities, Seattle Police	10 completely broken and how it can be fixed.
11	Department. It has a number of agencies; right?	11 Q. I just want to be clear. I'm not defining
12	A. That's correct.	12 anything. I'm just asking further questions based
13	Q. And do you believe that you, as a council	13 upon the answers that you are giving. Let me ask the
14	member, have a role in overseeing those agencies?	14 next question.
13:43:34 15	A. The agencies report to the mayor, and the	13:46:07 15 ATTORNEY IGLITZIN: I'm going to object,
16	city council has a role in trying to ensure that the,	16 for the record. I think that's not a question, and
17	the requirements that have been set by the city	17 it's sort of argumentative. You can believe you are
18	council are being followed. For example, if, you	18 doing whatever you believe you are doing, but you
19	know, in the budget vote, if a certain amount of money	19 can't say that if it's a given.
13:44:01 20	has been allocated for a certain task, then that	13:46:29 20 Q. I'm going to clarify. I'm not putting any
21	review, okay, has that been accomplished and was that	21 definitions. If you think I'm putting a definition,
22	money used for that. That's an example of what you	22 you let me know, and I'll --
23	are talking about.	23 A. I do think you are putting definitions.
24	Q. So how would one go about ensuring and	24 Q. Let me ask it this way: I'm going to
13:44:16 25	overseeing the role that certain budgetary	25 separate your job when you are working as a city

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1 council member versus what you do external as far as
 2 calling for town halls or calling for meetings. When
 3 you are doing the work as a city council member in the
 4 legislative process, do you believe that that is
 13:47:26 5 the -- well, let me put it this way: Do you believe,
 6 aside from ensuring that agencies are adhering to the
 7 budget, the budget requirements that you've put into
 8 place, do you believe that you have any other role in
 9 overseeing agencies?

13:47:45 10 ATTORNEY IGLITZIN: I want to object. I'm
 11 trying not to make this be an argumentative objection.
 12 I'm going to object that question has embedded
 13 premises that the councilmember has not agreed to.
 14 Q. So let me rephrase the question, then. We
 13:48:01 15 just got done talking about and discussing where you
 16 said that the agencies report to the mayor, and that
 17 your job, you believe your job as a city council
 18 member in overseeing those agencies is to ensure that
 19 they're meeting the requirements pursuant to the
 13:48:18 20 budgetary process.

21 A. I did not exactly say that. I said the city
 22 council has -- you know, does that overview.
 23 But the issue here is that, the way you
 24 are defining -- and you are defining. You say you are
 13:48:32 25 not defining, but you are defining -- it's one aspect

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1 I've called for public hearings on various occasions.
 2 I also called for independent investigations on
 3 various occasions. And you can see that I have done
 4 that. So if your question is, can you do that as a
 13:50:27 5 council member? Yes.
 6 Q. Okay.
 7 A. But I want to be clear that what I have
 8 called for are either public hearings or independent
 9 investigations. And I'm being very particular about
 13:50:45 10 that terminology, because I actually don't believe
 11 that behind-the-scenes investigations yield anything
 12 useful for working people. So when I say "independent
 13 investigation," what I mean, a publicly appointed
 14 independent group of people, for example --
 13:51:07 15 Q. Okay.
 16 A. -- whose findings are available for the
 17 public to see, and they can be a hearing on findings
 18 and that kind of thing.
 19 Q. What do you mean by "public investigations"?
 13:51:19 20 A. That's what I meant. I meant public
 21 investigations or -- independent investigations is
 22 what I've said, not public investigations.
 23 Q. So what I envision -- and I'm sure, I don't
 24 know, that would be assuming, and I'd probably get an
 13:51:33 25 objection Dmitri, but have you seen the types of

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1 of what I believe a city council member should do. So
 2 it's hard for me to answer these questions, because
 3 you say, Well, but leave aside the external things, as
 4 a council member this is what you do. But I do many
 13:48:54 5 things as a council member.
 6 Q. And we'll get to those. We'll get to the
 7 other ones. I just want to focus on this aspect for a
 8 moment. Okay?
 9 So in this aspect, you are one of the nine
 13:49:04 10 council members that wants to ensure that the agencies
 11 are following the requirements that are set forth in
 12 the budget; correct?
 13 A. I don't assume that every other council
 14 member has the same goal as me, which is ensuring
 13:49:22 15 accountability. In fact, I don't believe that.
 16 Q. Are there any other ways that you,
 17 Councilmember Sawant, believe that you have an
 18 overseeing process for overseeing agencies, aside from
 19 the public process, just as a legislative process?
 13:49:45 20 I'll be more direct. Do you believe that you can call
 21 for investigations of certain agencies and
 22 departments?
 23 A. I have called for public hearings, which is
 24 my definition of what an -- and also of public
 13:50:09 25 investigation -- or independent investigation, sorry.

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1 hearings that Congress does from time to time on
 2 certain issues, whether it be -- I don't know what
 3 they're doing the hearings on this time. Whether it
 4 be the January 6th hearings, have you seen those
 13:51:49 5 hearings?
 6 A. I know that those hearings are happening.
 7 Q. Do you believe that the city council can
 8 conduct a hearing such as that January 6th hearing in
 9 a public forum on a certain issue?
 13:52:02 10 A. I believe the city council can and should do
 11 them, but they don't and they haven't really.
 12 Q. I want to shift gears a little bit and talk
 13 about your role in comparison as it relates to the
 14 chief of police. We mentioned -- we've talked about
 13:52:29 15 the fact that you get to vote on the chief of police.
 16 Before you vote on the chief of police, have you
 17 conducted meetings or interviews with the candidates?
 18 A. You mean on a separate occasion, or in
 19 relation to the appointment?
 13:52:45 20 Q. In relation to the appointment, first.
 21 A. Yes, in relation to the appointment, I have
 22 had meetings.
 23 Q. Okay. And so this would include, well, now
 24 it's which Chief Diaz as of -- I don't know if he's
 13:52:59 25 been sworn in today or not, but it would be Chief

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1	Diaz; right?	1 sense that it wasn't anything extraordinary about that
2	A. Chief Diaz is the latest one.	2 particular department, because we as an office
3	Q. And then it would be Chief O'Toole?	3 consciously spend a lot of time talking to either
4	A. Chief O'Toole, Carmen Best before that.	4 rank-and-file staff of departments or to ordinary
13:53:14	5 Q. Right. So Carmen Best and Chief O'Toole 6 before that?	5 working people, as a whole, about what their 6 experience is as a result of city policy, because I 7 believe that is where our focus should be.
7	A. That's right.	8 Q. Okay. So let me follow up on that. How much 9 contact did you have with rank-and-file officers at
8	Q. You had interviews with them before they were 9 selected as chief; correct?	the Seattle Police Department?
13:53:23	10 A. I had meetings with Kathleen O'Toole and with 11 Carmen Best.	11 A. Not, not a whole lot.
12	Q. And once they were appointed and voted in as 13 chief, did you continue to have meetings with Kathleen 14 O'Toole?	12 Q. So that was part of the rank-and-file staff 13 you didn't have much contact with compared to others?
13:53:46	15 A. I'm not sure if I remember, but as far as I 16 can remember, I don't believe so. It may have been on 17 one or two occasions. I'm not sure.	14 A. That is accurate, because the police 15 department is not the same as, for example, the human 16 services department or City Light. It's fundamentally 17 a different kind of department.
18	Q. Did you have Kathleen O'Toole, Chief 19 O'Toole's cell phone number?	18 Q. It's an agency, part of the City of Seattle; 19 correct?
13:54:11	20 A. I don't think so, no.	20 A. Formally it is, but the role of the police 21 that they play is quite different.
21	Q. Did your staff have access to her contact 22 information, her cell phone number?	22 Q. It's an agency part of the City of Seattle;
23	A. I'm not sure if they had her cell phone 24 number, but I know we had -- as a city council office, of course my staff have contact information in	23 right?
13:54:26	25	24 A. Yes, formally it is part of the City of Seattle.
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1	general.	1 Q. It's funded by the City of Seattle; right?
2	Q. Describe to me a little bit about the extent 3 of your interaction with Chief O'Toole when she was 4 chief for the Seattle Police Department.	2 A. It is funded by the City of Seattle.
13:54:44	5 A. My interaction with Chief O'Toole was 6 primarily when she would appear in committee to speak 7 to the city council members.	3 Q. The human services department is an agency of 4 the City of Seattle; right?
8	Q. And so that means that she gave presentations 9 to all of the city council members?	5 A. That's correct.
13:55:11	10 A. That's correct.	6 Q. And it's also funded by the City of Seattle?
11	Q. How much access did your staff have with the, 12 I want to call it the upper brass, but with these 13 chiefs and assistant chiefs of the Seattle Police 14 Department?	7 A. That's correct.
15	A. When you say "access," you mean like, how 16 much contact did we have?	8 Q. As a city council member, did you ever play 9 any role in determining whether a crime had been committed within the City of Seattle?
17	Q. Contact, yeah.	10 A. I'm not sure what you mean by that.
18	A. It's hard to quantify, when you say "how 19 much."	11 Q. What part of my question didn't you 12 understand, so I can clarify?
13:55:42	20 Q. Give me an idea. Was there regular email 21 exchanges? People picking up the phone and talking to 22 each other? Can you give me an idea?	13:57:15 12 A. What do you mean by "role"? Like "role," what do you mean?
23	A. I wouldn't call it "regular," but I also 24 wouldn't say that it was anything -- it wasn't anything out of the ordinary in the sense that, in the	13 Q. In your capacity as a Seattle city council member, did you ever have an opportunity to make a determination on whether or not a crime had been committed in the City of Seattle?
13:56:00	25	14 A. If you -- if by "role" you mean was my office involved in making a legalistic determination, then the answer is no, because we're not lawyers.
		15 Q. You do pass laws, though?
		16 A. But that's a political action. It's not -- I just mean that we're not trained lawyers to decide on

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1 a legal basis, but we do have political opinions.
 2 Q. Let's separate that out for a second. I
 3 didn't ask for the role. My actual question was, in
 4 your capacity as a Seattle city council member, have
 13:59:01 5 you ever made a determination on whether or not a
 6 crime has been committed in the City of Seattle?
 7 A. Well, I think it depends on what you mean by
 8 that. I mean, if you mean like a legalistic
 9 definition, then, no, we can't claim to do that
 13:59:23 10 because we're not lawyers. However, we do have
 11 political and social opinions about something that is
 12 completely unjust or outrageous or unacceptable.
 13 ATTORNEY IGLITZIN: Let me jump in for a
 14 second. Sumeer neglected to say earlier, if at any
 13:59:43 15 point you need a personal break for any reason, you
 16 should just say so. You are entitled.
 17 Q. Do you want to take a break?
 18 A. Yes. I didn't know I was allowed to do that.
 19 ATTORNEY SINGLA: How long do you need?
 14:00:00 20 ATTORNEY IGLITZIN: Five to ten minutes.
 21 (Discussion off record.)
 22 (Recess.)
 23 (Exhibits-1 through -4 marked.)
 24 Q. I want to start back and kind of go to
 14:15:59 25 something that we talked about before the break,

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1 That is why I'm placing a lot of emphasis
 2 on it being public, because that is at least a
 3 starting point to demand genuine accountability.
 4 But I want to be clear that I don't
 14:17:51 5 believe, one, that winning an independent
 6 investigation is easy, because we haven't won that.
 7 So when I say there should be an independent
 8 investigation, I have said that, but I am one of nine
 9 council members, and I don't -- we haven't won it, you
 10 know. But that is something that I feel and my office
 11 feels that should happen. And we have talked to many
 12 people, and people may disagree on different things,
 13 but they do agree that, yes, there should be this
 14 public process of accountability.
 15 Q. And the participants in that public process
 16 should be impartial; correct?
 17 A. I don't think "impartial" is the word I would
 18 use, because the status quo is far from neutral. So
 19 as a matter of fact, we need individuals and we need a
 20 whole process that whichever issue it might be talking
 21 about understands what those issues are.
 22 Q. Okay. I'm going to start with, let's start
 23 with, I'm going to put a few exhibits in front of you
 24 at the same time.
 14:19:07 25 ATTORNEY SINGLA: Dmitri, this is

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1 Councilmember. One of the things you said -- and I
 2 just want to get it right and confirm it. One of the
 3 things you said is that you do encourage in your role
 4 as a council member, to call for independent
 14:16:15 5 investigations. Do you remember saying that?
 6 A. That's correct.
 7 Q. And my notes say that when you do that, what
 8 your understanding of independent -- what your
 9 definition of independent investigations, and tell me
 14:16:29 10 if I'm wrong, what my notes say your definition of
 11 independent investigations is a publicly appointed
 12 independent group of people, the process is in public,
 13 and then the findings are made publicly available; is
 14 that correct?
 14:16:46 15 A. That's a big part of it, yes.
 16 Q. Anything else?
 17 A. Nothing specifically. I only meant that
 18 ultimately, because we are talking about a deeply
 19 unequal system that we live in, capitalism, that shows
 14:17:07 20 up in various contexts, and so it does matter who is
 21 appointed. So in other words, first of all, it
 22 matters that the members of the public get to win an
 23 independent investigation, and if it is won, then who
 24 is part of that investigation, you know, who oversees
 14:17:33 25 it or who does conduct it.

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1 Exhibit-1, and this is Exhibit-2.
 2 ATTORNEY IGLITZIN: I'm sorry. Is the
 3 answer and affirmative defense -2?
 4 ATTORNEY SINGLA: -2.
 14:19:52 5 ATTORNEY IGLITZIN: And the third amended
 6 complaint is?
 7 ATTORNEY SINGLA: -1.
 8 ATTORNEY IGLITZIN: Got it.
 9 ATTORNEY SINGLA: And this is Exhibit-3.
 14:20:03 10 Q. This is a lawyer question that all of us are
 11 trained to ask. Have you ever seen these documents
 12 before, Exhibits-1 -2, and -3?
 13 A. Well, I'm not a lawyer, so all of these
 14 documents are very opaque to me, but I believe I have
 15 seen the first one that you handed out.
 16 ATTORNEY IGLITZIN: I'm sorry. Is that
 17 Exhibit-1?
 18 ATTORNEY SINGLA: Exhibit-1, yeah, the
 19 first one.
 14:20:37 20 ATTORNEY IGLITZIN: Thank you.
 21 Actually, I'm sorry. Since I'm sitting
 22 next to Councilmember Sawant, it looks as if you've
 23 got the answer as Exhibit-1 and the complaint as
 24 Exhibit-2.
 14:21:09 25 ATTORNEY SINGLA: Is that right? Okay.

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1 Let's do that.
 2 THE WITNESS: It's the other way around.
 3 ATTORNEY IGLITZIN: No. Exhibit-1 you
 4 believe you've seen before?
 14:21:26 5 THE WITNESS: I think so, but I can't be
 6 positive.
 7 ATTORNEY SINGLA: You are right. Sorry.
 8 Q. So let's start with these documents. You
 9 don't have to be a lawyer to understand these
 14:21:34 10 documents. These are just the initial complaint,
 11 which is what the allegations are alleged by my
 12 clients in this case, which is Exhibit-2; and
 13 Exhibit-1 is your answer; and Exhibit-3 is a
 14 transcript of your speech from February 25th of 2016.
 14:21:54 15 I kind of want to work through these documents.
 16 So I'm going to ask you to turn to page 5
 17 of Exhibit-2. I'll have you turn to page 5 of
 18 Exhibit-2, and I'm going to have you take a look at
 19 paragraph 37. This was the allegation my clients
 14:22:27 20 made, which was stated basically -- and I'm going to
 21 read a part of it, and then you can go ahead and read
 22 the rest -- "With gravitas established, she went on to
 23 pronounce Che Taylor's death a 'brutal murder' and
 24 product of 'racial profiling,' stating, in relevant
 14:22:48 25 part, as follows," and then there's a quotation with

1 you and mark that as Exhibit-5.
 2 ATTORNEY IGLITZIN: That's -5, recognizing
 3 you are skipping over Exhibit-4?
 4 ATTORNEY SINGLA: Yes. Those recordings
 5 came from your office.
 6 ATTORNEY IGLITZIN: I don't doubt that we
 7 have them.
 8 A. Actually -- I was going to say, after you
 9 play and before you ask a question, can I take a break
 to talk to Dmitri?
 10 Q. I don't have a pending question. Why don't
 11 we do that now.
 12 A. Okay.
 13 Q. You can do that now.
 14 (Discussion off record.)
 15 Q. Councilmember, this is just going to be an
 16 exercise in just kind of affirming your speech from
 17 that day, which we have a recording on with a
 18 transcript, and seeing whether or not you hearing the
 19 speech and reading the transcript, you can affirm
 20 that's an accurate transcript of your speech.
 21 ATTORNEY IGLITZIN: I do want to clarify.
 22 I think that's right, since multitasking is hard for
 23 all of us, you are not actually asking her at this
 24 point to compare the language in paragraph 37 to the
 14:28:47 25

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1 bolded words.
 2 Go ahead and read that, if you want, and
 3 let me know when you are done.
 4 A. I'm done reading.
 5 Q. Okay. Now, I want to go to No. 37 in
 6 Exhibit-1, which is on page 6. And this is what your
 7 answer, Councilmember, was to the specific allegation.
 8 What I want to kind of clarify, so we're
 9 all on the same page, the last sentence says:
 10 "Defendant denies that the quotations in paragraph 37
 11 are true and correct transcript of the speech, and, on
 12 that basis, denies paragraph 37." Do you read that?
 13 A. Um-hum. Sorry, yes.
 14 Q. And Exhibit-3 is your transcript of that
 15 speech. Go ahead and read that and confirm for me if
 16 that is a true and accurate transcript of your speech.
 17 It's three paragraphs.
 18 A. If you are asking if this is an accurate
 19 transcript, it generally reads like something I would
 20 agree with, but I haven't looked at the speech
 21 recently. I assume it is.
 22 Q. Also as part of discovery, we also got the
 23 audio recording of your speech as well. I was going
 24 to play that as well.
 14:25:25 25 ATTORNEY SINGLA: And we can email that to

1 audiotape, so she can just look at the transcript?
 2 ATTORNEY SINGLA: Yes.
 3 ATTORNEY IGLITZIN: It's hard to look at
 4 two different transcripts at the same time.
 5 ATTORNEY SINGLA: Yes, I was going to
 6 break it down, so we didn't do that.
 7 Q. If you wouldn't mind looking at Exhibit-3 as
 8 I play Exhibit-5 and confirm for me that the audio
 9 recording of Exhibit-5 matches the transcription of
 10 Exhibit-3.
 11 A. Okay.
 12 (Audio playing.)
 13 Q. So we just got through reviewing Exhibit-5.
 14 Is there anything in that transcript on Exhibit-3 that
 15 needs to be changed?
 16 A. I don't believe so, from what I heard. I
 17 mean, it's possible that I didn't hear everything
 18 exactly. But as far as I heard, it looks, it looks
 19 accurate, compared -- I mean, with relation to the
 20 audio.
 21 Q. And then now what we're going to do, because
 22 we promised you we will break it down, now we're going
 23 to take Exhibit-3, and compare it to paragraph 37 of
 24 Exhibit-2. And not counting the first sentence that
 starts with "This" and ends with "nation," we don't

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13 (Pages 46 to 49)

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	Page 50	Page 52	
14:32:15	<p>1 have to count that one. Starting with "The brutal," 2 do you follow me on line 5?</p> <p>3 A. Yes.</p> <p>4 Q. Would you agree with me that the paragraph 5 where the sentence starting with "The brutal" all the 6 way to the end, "racial profiling," is the same also 7 in the transcript that we have been talking about in 8 Exhibit-3?</p> <p>9 A. I believe that is matching the two things.</p>	<p>1 what you said in front of city hall about Che Taylor; 2 right?</p> <p>3 A. I said -- yeah, I said this. This was -- or 4 rather, this was a speech that I gave outside city 5 hall at that rally.</p> <p>6 Q. Okay. And that was four days after the 7 incident where Che Taylor had passed; correct?</p> <p>8 A. That's what I'm trying to say. I don't 9 remember exactly the chronology of, you know, in terms 10 of how many days passed and which date exactly it was, 11 but I do know that this was the speech I gave at the 12 Che Taylor rally outside city hall. (Exhibit-6 marked.)</p>	
14:33:50	<p>10 ATTORNEY IGLITZIN: I just want to note 11 that paragraph 33 indicates through ellipses where 12 it's not included certain lines in the transcript.</p> <p>13 ATTORNEY SINGLA: Correct.</p> <p>14 A. And also there is -- you said review 15 everything before that first sentence, so everything 16 before that first sentence is the same.</p>	<p>14:37:04 10</p> <p>14:37:25 10</p> <p>14:37:52 15</p> <p>14:38:04 20</p> <p>14:39:59 25</p>	<p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>1 Q. This is going to be Exhibit-6. Do you see -- this is a Seattle Times article from February 26th. Do you see that?</p> <p>A. I do.</p> <p>Q. Go ahead and take a look at that article, and then I'll ask a few more questions about it.</p> <p>A. (Witness complied.)</p> <p>Q. I'll represent to you, February 26th was a Friday. Would you agree with me, then, the rally happened on Thursday, February 25th?</p> <p>A. Yes.</p> <p>Q. I'm going to give you this. This will be</p>
14:34:05	<p>15 Q. Yes.</p> <p>16 A. But in that sentence, there's a difference.</p> <p>17 Q. In the first sentence, there is. That's why 18 I said from the second sentence onwards.</p> <p>19 (Discussion off record.)</p> <p>20 Q. Sorry for the fits and starts. I want to 21 compare that to your declaration, while Jessica is 22 printing those out, so we can economize our time.</p>		
14:34:20			
14:35:23	<p>23 Councilmember, the first question to wrap</p>		
	Page 51	Page 53	
14:35:44	<p>1 this part up: The transcript, which is marked as 2 Exhibit-3, is the speech that you gave in front of a 3 crowd on February 25th of 2016; correct?</p> <p>4 A. The transcript Exhibit-3 matches the words 5 that you played to me.</p> <p>6 Q. Okay. And that was on February 25th of 2016; 7 correct?</p> <p>8 A. I mean, I don't remember the date offhand, 9 but, yes, I know that was in 2016.</p>	<p>14:40:26 5</p> <p>14:40:49 10</p> <p>14:41:33 15</p> <p>14:41:47 20</p> <p>14:42:03 25</p>	<p>1 Exhibit-7. 2 (Exhibit-7 marked.)</p> <p>3 Q. And these are the final interrogatories to 4 the inquest jury in this matter, Exhibit-7. I just 5 want, as a frame of reference -- we are going to talk 6 more about this later, but as a frame of reference, 7 you would agree with me after reviewing even the first 8 question on this, that the incident involving Che 9 Taylor happened on February 21st of 2016; correct?</p> <p>A. Correct.</p> <p>Q. So the rally that you attended was four days after the incident with Che Taylor; correct?</p> <p>A. Correct.</p> <p>Q. You can put these aside for a second. We are going to mark Exhibit-8. (Exhibit-8 marked.)</p> <p>Q. We are going to talk about Exhibit-8 for a second. Now, Exhibit-8 is entitled, "Declaration of Kshama Sawant in Support of Defendant Sawant's Motion Support for Summary Judgment." Do you see that?</p> <p>A. I do.</p> <p>Q. Did you write this declaration yourself?</p> <p>A. I did.</p> <p>Q. So by writing it, you are the one who typed it up?</p>
14:35:56	<p>10 Q. Turn to the first page. The first page of 11 Exhibit-3, it says it's the transcript of the speech 12 on February 25th. Do you remember giving a speech on 13 February 25th?</p> <p>14 A. I remember giving a speech at a rally outside 15 city hall on the issue of Che Taylor and the overall 16 issues of the police department in relation to 17 communities of color.</p> <p>18 Q. And that would be the speech that we're 19 talking about, right, in Exhibit-3 that you gave?</p>		
14:36:16			
14:36:36	<p>20 A. Like I said, this transcript matches what you 21 played, but at this point after so many years, I can't 22 remember if that was all of the speech or not. I'm 23 saying, yes, that transcript matches the audio that 24 you played.</p> <p>25 Q. And I'm trying to button it up. And that's</p>		

14 (Pages 50 to 53)

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14:42:15	<p>1 A. No. I mean, I did it with the assistance of 2 counsel.</p> <p>3 Q. That's the distinction I want to kind of 4 figure out is, did you type this yourself -- and this 5 happens all the time -- or did your lawyers send you 6 something and then you affirmed it as your own 7 statements?</p> <p>8 ATTORNEY IGLITZIN: Object to the form of 9 the question.</p>	<p>14:45:34</p> <p>1 A. However, as I said, it is a statement from 5 me, as truthful by me.</p> <p>6 Q. Okay. Let's go through your statement, and 7 I'm going to take you to page 3. I'm going to go to 8 paragraph 9. Do you see that?</p> <p>9 A. I do.</p>
14:42:29	<p>10 Q. Go ahead.</p> <p>11 A. To be honest with you, I don't remember where 12 it was initiated. I do know that it's something -- 13 it's a statement developed by me and my counsel 14 together.</p>	<p>14:46:00</p> <p>10 Q. You write, and I'm going to read a few 11 sentences, "Alongside the protesters, I, too, 12 described the police killing of Che Taylor as a, 13 quote-unquote, murder. It was my opinion that 14 Taylor's death could fairly be described as, 15 quote-unquote, murder, by which, as a layperson, I 16 meant to convey that I believed the officers' actions 17 were wrongful and should be considered criminal." Did 18 I read that correctly?</p>
14:42:56	<p>15 Q. Okay. And then you at some point reviewed it 16 and adopted these statements as your own; correct?</p> <p>17 A. When you say that at some point I adopted 18 this as my own, that would imply that my counsel wrote 19 things and then I agreed with them, or my counsel</p>	<p>14:46:28</p> <p>15 Q. I want to focus on starting with, "I meant to 20 convey" all the way to "criminal." Okay?</p>
14:43:28	<p>20 decided what happened. That's not accurate.</p> <p>21 Q. Okay.</p> <p>22 A. It's the truth.</p> <p>23 Q. Okay. So that's what I'm trying to get to 24 is, this is a declaration. It's got your signature on it. If you take a look at page 5.</p>	<p>14:46:48</p> <p>20 A. Yes.</p> <p>21 Q. Now, when we're talking about you said you 22 believe the officers' actions, in that you are talking 23 about Officer Miller and Officer Spaulding's actions;</p>
14:43:40		<p>14:47:05</p> <p>25</p>
	Page 55	Page 57
14:43:54	<p>1 A. Yes.</p> <p>2 Q. And if you look at page 4, you say, "I 3 declare under penalty of perjury under the laws of the 4 United States...that the foregoing is true and 5 correct"; do you see that?</p> <p>6 A. I do.</p> <p>7 Q. So with your signature, you confirm that 8 everything from paragraph 1 through 14 was true and 9 correct; correct?</p>	<p>14:47:30</p> <p>5 A. As I later after I made the speech found out 6 their names, were what you just related. When I was 7 speaking at the rally, I had no knowledge of their 8 names, and I was talking about the death of Che 9 Taylor, which I believed to be wrongful and unjust. So I was referring to that incident.</p>
14:44:08	<p>10 A. I do affirm.</p> <p>11 Q. Okay. So that's what I'm getting to. So my 12 question was -- my question is this: Did you sit down 13 on a laptop and type up this declaration yourself from 14 a blank piece of paper?</p>	<p>14:47:50</p> <p>10 In your declaration, when you are saying that you 11 believed the officers' actions, you were talking about 12 on February 26th, 2016 -- on February 25th, 2016, you 13 were talking about the officers that shot Che Taylor; 14 right?</p>
14:44:31	<p>15 A. As I said, I don't actually remember how much 16 of it I typed. But in all honestly, this is a 17 statement, as you yourself said, is something I've 18 signed and affirmed as truthful, and I think that that 19 is what matters.</p>	<p>14:48:14</p> <p>15 A. The complete answer to your question is, I 16 was talking about Che Taylor, because that was, that 17 was the incident that had happened recently. But as 18 you just played my speech, I'm clearly talking about 19 Che Taylor's demise as part of a systematic problem of the police department targeting people of color.</p>
14:44:54	<p>20 Q. Not what matters. My question is: Your 21 answer is, you don't remember whether or not you typed 22 this out yourself; right?</p> <p>23 A. I do remember that I wrote in relation to 24 this document, but I cannot honestly remember how much 25 of it was initiated in terms of words by my counsel</p>	<p>14:48:35</p> <p>20 Q. Now, this is your deposition -- I mean, this 21 is your declaration under oath. You just told me this 22 was the truth. You filed it three days ago. And in 23 that declaration under oath, you said that it was your 24 opinion when you were sitting there with the</p>
14:45:15		<p>14:48:53</p> <p>25</p>

15 (Pages 54 to 57)

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1	protesters, that you could fairly -- Che Taylor's	1 people of color, even when their use of deadly force
2	death could be fairly described as murder; right?	2 appeared to be wrongful, and it was that type of
3	That's what you wrote on line 6.	3 systemic racism I intended to address when I referred
4	A. Yes.	4 to needing 'individual accountability.'"
14:49:09 5	Q. Am I reading that correctly?	14:51:52 5 Q. We're going to get to that, trust me. I
6	A. You read that correctly.	6 promise you. We are going to get to paragraph 10 and
7	Q. What you said just three days ago, you meant	7 individual accountability. I'm not there yet.
8	to convey when you said that Che Taylor's death was	8 A. But you implied that I did not clarify what
9	murder, was that you believed the officers', S	9 you just explained, so I'm telling you I clarified it.
14:49:24 10	apostrophe, actions were wrongfult; right?	14:52:08 10 It's just in the following paragraph.
11	A. That's correct.	11 Q. We'll get to individual accountability in a
12	Q. That's what you meant to convey. You meant	12 second. I'm just going to focus on paragraph 9. This
13	to convey that the officers that shot Che Taylor,	13 is my only opportunity as counsel for the plaintiffs
14	their actions were wrongfult when you referred to his	14 to ask you questions, so please answer the questions
14:49:41 15	death as "murder" on February 25th, 2016; correct?	14:52:24 15 that I ask of you. Mr. Iglinz, after I'm done, will
16	A. I am referring to Che Taylor's death. And I	16 have ample time to ask questions for any
17	do believe, as I said in my speech, that individual	17 clarifications.
18	officers do need to be held accountable for what I	18 My question is, right now I'm focused on
19	believe are completely unjust and, and what I believe	19 paragraph 9 and I'm going to be focused on your
14:50:07 20	to be criminal killings. And unless individual	14:52:38 20 transcript, starting with the sentence, "The brutal
21	officers are held accountable, it will not -- that has	21 murder of Che Taylor, just a blatant murder at the
22	to be part of the process of holding the police	22 hands of the police." Do you see that?
23	department as a whole accountable.	23 A. I do.
24	Q. You didn't write any of that in this	24 Q. Now, when you are in paragraph 9 stating
14:50:24 25	sentence; did you? What you just said in this	14:52:53 25 that, when you described it as a layperson, the word
	Page 59	Page 61
1	testimony in this deposition is not what's written in	1 "murder," is what you are saying that you meant to
2	this sentence; right?	2 convey that you believed that the officers' actions
3	A. I said a lot of things about this issue that	3 were wrongfult and should be criminal; correct?
4	are not in this declaration.	4 A. I believe, as I have said, that individual
14:50:40 5	Q. Right. This was your chance, Councilmember,	14:53:18 5 accountability is important, and I did use the word
6	to clarify and tell the Court what you meant to	6 "murder," and I stand by it. I still think it is
7	convey. And what you told the Court in support of	7 murder.
8	your summary judgment that you meant to convey was	8 Q. Great. So then you also -- this is what you
9	that you believed that the officers' actions were	9 put down in your declaration is that, by the word
14:50:57 10	wrongfult and should be considered criminal; right?	10 "murder," you want to convey the officers' actions
11	A. That's correct. But if you look at No. 10,	11 were wrongfult and should be considered criminal;
12	it further clarifies the point I just made, which is	12 right?
13	also in my declaration.	13 A. I'm speaking not as a lawyer, and I was not
14	ATTORNEY IGILITZIN: Let her finish her	14 speaking as a lawyer. I was speaking as the idea of
14:51:10 15	answer, Counsel.	15 what, what in common parlance is understood as
16	A. Your question, this was my chance to clarify,	16 unjustifiable or wrongfult killing, and that is, the
17	and I did clarify in number 10, where I said, "When I	17 word "murder" is understood as wrongfult or
18	spoke of 'individual accountability,' I intended to	18 unjustifiable killing in common parlance in terms of
19	make a broader point about the need for reform to how	19 just understanding what happened with Che Taylor. And
14:51:22 20	police officers' use of force is investigated and how	20 as you see, I was far from the only one who had drawn
21	police officers, in general, can be held accountable	21 this conclusion after having watched the video of the
22	for any unnecessary or excessive use of force. I was	22 shooting.
23	aware that almost no police officers had ever been	23 Q. Now, here, this is the reason I went through
24	charged with a crime, in Washington or nationally, for	24 the exercises. You adopted these words in this
14:51:38 25	killing people, and in particular Black people and	25 declaration as your own. Not a lawyer. You said,

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1	yep, these are my words; right?	1 that these are words that I believe.
2	A. This is my declaration, yes.	2 Q. And the same thing would go with the words
3	Q. And in that declaration, what you are saying	3 "it is my opinion" don't appear in that speech;
4	is, you mean to convey that you believe the officers'	4 correct?
14:54:43	actions were wrongful and should be criminal when you	14:58:13 5 A. Similarly, it is absurd, that -- I mean, are
5	were using the word "murder"; right?	6 you saying that people would think that what I'm
7	A. As I said, I believed what happened to Che	7 saying is not my opinion? Of course, anybody who --
8	Taylor was completely wrongful and unjustifiable and	8 ATTORNEY IGLITZIN: Let her finish her
9	unjust, and I spoke as my common person's	9 answer.
14:55:07	understanding of what that would be described as, and	14:58:26 10 ATTORNEY SINGLA: Yeah.
10	that is murder. And to the extent that myself and	11 A. Anybody who has any conception of what an
11	many other community members believed that what	12 elected official does when they speak, let alone
12	happened to Che Taylor was murder, yes, it is	13 somebody, a socialist like me, would have a clear
13	associated with individual --	14 understanding, whether you agree with the opinion or
14:55:27	Any time this happens and when community	15 not, that when an elected official speaks, it's their
15	members think it was wrongful, it is -- it was --	16 opinion or it is something they believe.
16	those specific acts were committed by individuals,	17 Q. So the answer is no, "it is my opinion" does
17	yes. To that extent, that is what I believe.	18 not appear in that speech; correct?
18	But as I said in point No. 10, I clarify	19 A. Like I said before, the words "my opinion,"
14:55:45	what I mean and why, especially why I think that	20 "in my opinion," or "I believe" are implied in the
20	individual accountability is part of, you know,	21 fact that I am an elected official making a speech, so
21	beginning to hold police departments accountable.	22 when I say something, it is reflecting what I believe
22	Q. Let's go to your speech here. Can you pull	23 or something that is my opinion.
23	up your Exhibit-3. On Exhibit-3, circle for me	24 Q. Okay. And there's no other equivocations
24	anywhere where you said the phrase, "I believe."	25 when you are talking about the "brutal murder" or
	Page 63	Page 65
1	ATTORNEY IGLITZIN: That's not a question,	1 "racial profiling" in your speech, as in Che Taylor's
2	Counsel. That's a directive, and you can't give her a	2 murder may be -- I mean, his killing may be considered
3	directive at a deposition. You can ask her a	3 a murder or it could be considered a murder, there's
4	question.	4 no qualifications before the term "brutal murder" or
14:56:25	Q. I will ask the question, then. Is there	5 "racial profiling"; right?
5	anywhere in this one-and-a-half page speech where the	6 ATTORNEY IGLITZIN: Object to the form of
6	words "I believe" appear?	7 the question.
7	A. The words don't appear, but it is implied.	8 Q. Go ahead.
9	I'm speaking as an elected official, and I am speaking	9 ATTORNEY IGLITZIN: If you understand the
14:57:01	for what I believe, and it is implied when I say that	10 question.
10	this was a "brutal murder of Che Taylor," that this is	11 A. I don't actually understand the question.
11	what I believe.	12 Q. Sure. So we've talked about that you in your
12	Q. So the answer is no, the words "I believe" do	13 speech nowhere "I believe" appears, no where "it's my
13	not appear in that one-and-a-half-page speech;	14 opinion" appears. So now I'm saying, you don't even,
14	correct?	15 you don't even have a qualifier as in it may be a
15	A. The words "I believe" do not appear. But	16 murder or it could be considered a murder. Nothing
16	this was a public speech, and I have no conception in	17 like that appears in this speech either; right?
17	my mind that anybody, any ordinary person who heard	18 A. Like I said before, as an elected official,
18	the speech, would think that the words that came out	19 when I make a speech or even when I'm speaking
19	of my mouth at that speech were not things that I	20 publicly in any context, whether it's at a rally or at
20	believed. It is implied that I believe.	21 the dais, when I speak or when any of the elected
21	Q. So the answer is, again, no, "I believe"	22 officials speak, the understanding of anybody would be
22	doesn't appear; right?	23 that that elected official is expressing their opinion
23	A. As I said, the words "I believe" don't	24 or saying what they believe.
24	appear, because it is implied that people understand	25 Furthermore, furthermore, as I said

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15:00:57 5	1 before, when I used the word "murder," which I still 2 believe it was murder, I'm speaking not as a lawyer. 3 I am not using the word in any legal sense, because I 4 don't -- I'm not a lawyer. I don't have any experience or expertise. I'm speaking as an elected representative and as a common person who saw what was to anybody who had any, any modicum of honesty what that video -- when you watch the video of Che Taylor being killed, it is like an execution.	1 elected official, when I make a speech or even 2 when I'm speaking publicly in any context, 3 whether it's at a rally or at the dais, when I 4 speak or when any of the elected officials 5 speak, the understanding of anybody would be 6 that that elected official is expressing their 7 opinion or saying what they believe.) 8 Q. Is that correct? Isn't that your statement, 9 that it is your belief that any time an elected 10 official speaks at a rally, it should be taken as if they're expressing an opinion or their belief?
15:01:21 10	10 And so when I say -- when I said "murder," 11 when I say now as an elected official, as an elected 12 representative, this was a "brutal murder," I'm not 13 speaking in a legal sense. I'm speaking in the sense 14 of, as I said before, common parlance, what is 15 commonly understood by ordinary people. What is 16 murder? It is completely un- -- wrongful, outrageous, 17 unjust -- that's the word I was looking for -- unjust 18 taking of human life. When I'm speaking in that 19 sense, I can't imagine why I would equivocate or 20 qualify, because that is precisely what I don't want 21 to qualify or equivocate on, because it was such a 22 brazenly unjust taking of life.	15:04:19 10 A. I think you are mischaracterizing what I 11 said. What I said, yes, because you asked, is your 12 opinion opinion only. I don't understand what that 13 means, because something can be a politician's opinion 14 and it could also be factual. So it's not -- you 15 know, it's somewhere -- you know, there could be 16 statements anywhere in that spectrum. 17 What I'm saying is, an elected official is 18 hardly going to use a characterization if they didn't 19 believe that that was the -- that was an accurate 20 characterization in their mind. And that is what I meant, as an elected representative, as a common person who is not a lawyer, that was my opinion, and 21 that is still my opinion.
15:01:37 15	22 Q. I want to go back to the very first thing you 23 said in your answer, which was that -- 24 ATTORNEY SINGLA: And if we could go to	15:04:38 15
15:02:18 25		15:05:12 25
	Page 67	Page 69
15:02:59 10	1 the very first sentence of councilmember's answer. 2 (Reporter read back as requested 3 as follows: Like I said before, as an 4 elected official, when I make a speech or even 5 when I'm speaking publicly in any context, 6 whether it's at a rally or at the dais, when I 7 speak or when any of the elected officials 8 speak, the understanding of anybody would be 9 that that elected official is expressing 10 their opinion or saying what they believe.) 11 Q. If I read that correctly, are you saying that 12 any time any elected official speaks, the receiver of 13 that information at a rally should presume that it is 14 that elected official's opinion and opinion only?	1 ATTORNEY SINGLA: Let's read the first 2 sentence of what councilmember just got done saying, 3 and I want to ask questions about that. 4 (Reporter read back as requested 5 as follows: I think you are 6 mischaracterizing what I said. What I said, 7 yes, because you asked, is your opinion 8 opinion only. I don't understand what that 9 means, because something can be a politician's 10 opinion and it could also be factual.) 11 Q. So what did you mean when you said that it 12 could be something that could be a politician's 13 opinion and could also be factual? 14 A. Well, one example is, if I were to say, which 15 I have said many times, that the -- you know, 16 paraphrasing myself. I'm not -- I don't want you to 17 ask me, Is it exactly what you said. I'm paraphrasing 18 my opinion that I have stated many times, which is 19 something like, the inequality is extremely harsh in the United States. Economic inequality is harsh. 20 That is my opinion.
15:03:15 15	15 A. I don't understand your question. 16 Q. You just answered my previous question by 17 saying, Hey, look, any time an elected official speaks 18 at a rally, it should be presumed what they are saying 19 is simply opinion and nothing else.	15:06:03 15
15:03:31 20	20 ATTORNEY IGILITZIN: I object. That 21 actually misstates what her prior answer was. 22 ATTORNEY SINGLA: Let's read that answer 23 again. 24 (Reporter read back as requested 25 as follows: Like I said before, as an	15:06:27 20
		15:06:42 25

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		Page 70	Page 72
1	has gotten worse. In this sense, it is a fact, but	1	respond, based on what I think is accurate and true.
2	the way I'm stating it is my opinion. But the same	2	First of all, this is nearly seven years
3	facts an elected official with different political	3	ago, so I couldn't in all honesty remember if we
4	beliefs would state that same fact differently.	4	responded to this constituent or not. My office
15:06:59	5 ATTORNEY IGLITZIN: Can we take another 6 short break?	15:19:42	5 responds to many, many, at this point countless 6 constituents, so I could not honestly answer that 7 question.
7	ATTORNEY SINGLA: Let's go.	8	But as far as the premise you are trying
8	(Recess.)	9	to set up here, where, where you were stating your
9	ATTORNEY SINGLA: Back on the record.	10	opinion and it was not a fact, that is why I gave the 11 example of inequality; where is there inequality?
15:16:17	10 (Exhibit-9 marked.)	15:19:58	12 Tremendous inequality that has dramatically increased 13 in the United States? It's a fact. But how a 14 particular elected representative or even just an ordinary person talks about it or expresses about it,
11	Q. So when we left off, Councilmember, one of	15	16 it really is depending on their opinion.
12	the things you said, that it would be clear to anybody	17	I mean, a billionaire would have a
13	who was either at the rally or looked at your speech	18	completely different opinion about inequality as I
14	from the rally understood that it was opinion. The	19	would as a socialist, so the same facts are expressed
15:16:35	15 next day you received a letter via email from who, I	20	differently.
16	believe, is somebody who reviewed your statements at	21	However, I would also say that in this
17	your rally, Glenn MacDonald, in your office. Do you	22	case, it's, it's -- we're talking about the word I
18	see that?	23	used, "murder," which, as I have said before, I used
19	A. I am looking at what you just handed out.	24	as a -- in common parlance, what I believed to be an
15:16:52	20 Q. Go ahead and take a chance to review it.	15:20:19	unjust and absolutely unacceptable taking of human
21	Have you read it?	25	
22	A. I did.		
23	Q. Okay. Did your office contact Mr. MacDonald		
24	in any way to explain to him the difference between		
15:17:57	25 how an opinion could be both an opinion and factual		
		Page 71	Page 73
1	both at the same time?	1	life. But that's, that's where -- you know, that is
2	ATTORNEY IGLITZIN: Object to the form of	2	where the question of opinion comes in. That was my
3	the question.	3	opinion. That was an opinion -- that was the opinion
4	Q. Go ahead.	4	and still the opinion of at this point hundreds of
15:18:06	5 A. This formulation that you just used, you just	5	thousands of people in the region, especially since
6	came up with a few minutes ago. This email is from,	6	the George Floyd movement.
7	you know, nearly seven years ago, so please ask me a	7	But are there people who don't share that
8	question that would make sense for that moment.	8	opinion? Of course, and this is one of them
9	Q. Sure. What you said before this break and	9	(indicating). So I completely accept that there is a
15:18:25	10 before you talked to Mr. Iglitzin was, that an opinion	10	range of opinions on how the taking of Che Taylor's
11	can both be an opinion and factual at the same time.	11	life should be characterized. My opinion is that it
12	My question is: When your office received this email	12	was murder. But I'm certainly not -- as I said
13	on February 26th of 2016, did you or anyone from your	13	before, in a legal sense, that determination cannot be
14	office contact or call back or email Mr. MacDonald	14	made by me as an elected representative and a
15:18:48	15 back to explain to him that you were expressing an	15	nonlawyer.
16	opinion and there was no factual basis on which your	16	But even if I were, I'm not the one who is
17	statements were?	17	adjudicating, or I was not the one adjudicating this
18	ATTORNEY IGLITZIN: Object to the form of	18	case. It would be up to the judge. And I believe
19	the question.	19	that while there are -- there's a range of opinions,
15:18:59	20 A. I think you are asking the question in a very	20	and this constituent is an example of a person who
21	leading way, where there's a premise in the question.	21	didn't share my opinion, I believe that even he and,
22	And for me to answer the question, if I were to answer	22	you know, everybody listening to me as an elected
23	the question in the way you want me to, then it would	23	representative would understand that when I say
24	implicitly be accepting the premise you have laid out	24	"murder," I'm expressing my opinion. That I am not
15:19:18	25 in the question, which I don't agree with. But I will	25	the judge who is going to be -- who is the only person

19 (Pages 70 to 73)

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1 in the legal framework to make a determination.
 2 So Glenn MacDonald may disagree with my
 3 opinion, but I do not believe that he would in any
 4 moment think that I'm delivering a statement of fact
 15:22:42 5 as a judge.
 6 Q. Not my question at all. My question was --
 7 and I think you answered my question at the very
 8 beginning, so I'll ask it again and have you confirm
 9 it. As you sit here today, you don't remember whether
 15:22:56 10 anybody from your office contacted Glenn MacDonald
 11 back; correct?
 12 A. So just to, just to make note, the way you
 13 asked the question just now is not the same as the way
 14 you asked the question earlier use. When you asked
 15:23:12 15 the question earlier, you laid in a premise that I did
 16 not agree with, and so if I were to -- if I were to
 17 have answered your question then, with that premise,
 18 then it would have given a misinterpretation of my
 19 position.
 15:23:29 20 That is why I stated my position correctly
 21 and what I believe to be true, which is, people can
 22 have different opinions. But I do not believe that
 23 anybody thought at that moment I was speaking as a
 24 judge or as a legal person or using legal parlance.
 15:23:42 25 But you just restated the question by

1 everybody who listens to a politician would understand
 2 what is opinion and what is fact. Is that what you
 3 are saying?
 4 A. I'm saying that within any reasonable
 15:25:00 5 understanding, you know, it's hard to answer your
 6 question, because you are putting it in a such a
 7 blanket way. But if you were to talk about general
 8 things, I think that, for example, in this case, when
 9 I said "murder," I believe that everybody
 15:25:21 10 understands -- and I can say this -- I don't
 11 understand how anybody would think that I was speaking
 12 as if a judge would be speaking, where they're
 13 actually delivering a legal, you know, legal verdict.
 14 This is -- everybody knows I'm not a
 15 lawyer, and everybody knows I was there at the rally
 16 as an elected representative when I was expressing my
 17 opinion, and that it is not being spoken in a legal
 18 framework as a judge. I mean, you know, but it's
 19 slightly different than if I were to say, Today is
 15:26:00 20 Thursday. Today is Thursday. It's also a fact. It's
 21 very clear to everybody. It's not just my opinion.
 22 It's also a fact.
 23 But I think reasonable people have the
 24 ability to understand that when it is something like
 15:26:16 25 this, that this is not being said from a legal -- when

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1 saying simply, you don't remember if your office
 2 responded to Glenn MacDonald. If your question is
 3 simply, do you remember if my office responded to
 4 Glenn MacDonald, yes, the answer is, no, I do not
 15:23:58 5 remember.
 6 Q. I'm going to break it down, because that's
 7 what I think is going to work best. Now, you don't
 8 remember whether your office responded to Glenn
 9 MacDonald. What will most likely happen if this case
 15:24:12 10 goes to trial -- I'm giving you guys a heads-up. If
 11 there's anything you can do in the meantime, I think
 12 this question will be asked again, whether or not your
 13 office contacted Glenn MacDonald. You'll have a
 14 chance to answer that question at trial.
 15:24:28 15 ATTORNEY IGILITZIN: Is that a question?
 16 ATTORNEY SINGLA: No. I'm giving you a
 17 heads-up that's a question that Dan will probably ask.
 18 ATTORNEY IGILITZIN: That's the same
 19 question you already asked?
 20 ATTORNEY SINGLA: Yes.
 21 Q. And he'll say, You didn't remember it in your
 22 deposition, have you had a chance to review anything
 23 as to whether or not you can confirm whether your
 24 office contacted Glenn MacDonald?
 15:24:46 25 My next question is, you are saying that

1 Kshama Sawant, the city council member, said this was
 2 a brutal murder of Che Taylor, reasonable people, as
 3 far as I know, everybody would understand that this is
 4 your opinion. Whether you share that opinion or not
 15:26:32 5 is a different story.
 6 Q. Let me ask you this: Did you survey people
 7 to understand that everybody knew you were not a
 8 lawyer, you were not a lawyer at that rally? You just
 9 said, Everybody knows I'm not a lawyer. Everybody
 15:26:47 10 knows I wasn't a lawyer at the rally. How do you know
 11 that, that everybody doesn't know that you were not a
 12 lawyer?
 13 A. Everybody does know that and everybody knew
 14 at that time that I was speaking as an elected
 15 representative. And I also said before, that even if
 16 an elected representative is a lawyer, I think people
 17 understand that when you are speaking there as an
 18 elected representative, you are not giving your legal
 19 opinion. You are speaking as an elected
 15:27:12 20 representative, because you are not the judge who is
 21 in charge of having a legal opinion about it.
 22 Q. That's what I'm asking. There were about
 23 60 to 80 people at that rally. After you got done
 24 giving your speech, did you talk to those people and
 15:27:27 25 say, Hey, did you understand I wasn't speaking as a

20 (Pages 74 to 77)

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<p>1 judge?</p> <p>2 ATTORNEY IGLITZIN: Object to the form of</p> <p>3 the question.</p> <p>4 Q. Go ahead.</p> <p>15 :27 :32 5 A. Quite frankly, I think what you are saying is</p> <p>6 an absurd thing, because everybody -- my opinion is</p> <p>7 that everybody understands that I'm not speaking as a</p> <p>8 lawyer. I'm speaking as an elected representative.</p> <p>9 Q. My question is: How do you know that</p> <p>15 :27 :49 10 everybody knows you are not a lawyer? You haven't</p> <p>11 talked to everybody in the world. You didn't talk to</p> <p>12 everybody at the rally. How did you know that</p> <p>13 everybody knew you weren't a lawyer?</p> <p>14 A. I'm just making a reasonable understanding of</p> <p>15 :28 :03 15 what people understand as an elected representatives.</p> <p>16 Q. That's just according to you; right?</p> <p>17 A. I'm sorry. You also are interrupting me, so</p> <p>18 you are --</p> <p>19 Q. I'm sorry. I thought you were done. I</p> <p>15 :28 :17 20 thought you were done. Go ahead. If you are, I'll</p> <p>21 ask the next question. How do you know that everybody</p> <p>22 understood that you were making an opinion and weren't</p> <p>23 speaking in fact, when you didn't talk to everybody at</p> <p>24 the rally?</p> <p>15 :28 :38 25 A. I believe that anybody who was at the rally</p>	<p>1 the rally.</p> <p>2 Q. That's what I'm doing.</p> <p>3 A. I'm just saying, everybody understood I was</p> <p>4 there as an elected representative, so I'm not clear</p> <p>5 why anybody would then think about the question of</p> <p>6 whether or not I'm a lawyer, because everybody</p> <p>7 understood I was there as an elected representative.</p> <p>8 I was introduced as a council member who had attended</p> <p>9 the rally. I'm not sure in what context it would come</p> <p>10 up --</p> <p>11 Q. Sure.</p> <p>12 A. -- whether I'm a lawyer or not. As I said, I</p> <p>13 was using the murder, word "murder" not as a lawyer.</p> <p>14 The people, the other people, the community leaders</p> <p>15 who spoke at the rally also said "murder." They</p> <p>16 weren't speaking as lawyers. That was my reasonable</p> <p>17 belief.</p> <p>18 So I don't see why others would not</p> <p>19 reasonably think that -- would reasonably not</p> <p>20 understand that I was speaking as an elected</p> <p>21 representative, just as Gerald Hankerson was speaking</p> <p>22 as the leader of the NAACP.</p> <p>23 Q. Not talking about Gerald Hankerson. My</p> <p>24 question was just a yes-or-no question. I'll give you</p> <p>25 context for it.</p>
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<p>1 who knew that I was speaking as a council member,</p> <p>2 understands that I'm speaking as a council member,</p> <p>3 because of the simple reason I'm not a judge in this</p> <p>4 case, who is the only person who is in the position to</p> <p>15 :28 :58 5 speak in the -- to use the word "murder," or whatever</p> <p>6 it is. I'm not a lawyer, so I don't know what they</p> <p>7 would say.</p> <p>8 But I was there speaking as an elected</p> <p>9 representative giving my opinion, and I believe that</p> <p>15 :29 :13 10 people understood that I was speaking as an elected</p> <p>11 representative.</p> <p>12 Q. Can you accept the premise that there could</p> <p>13 be people at the rally that don't know that you are</p> <p>14 not a lawyer?</p> <p>15 :29 :25 15 A. I believe that everybody understood I was</p> <p>16 speaking as an elected representative.</p> <p>17 Q. That's your belief. That's not my question.</p> <p>18 My question was: Can you accept the premise that</p> <p>19 there were people at the rally that did not know you</p> <p>20 are not a lawyer?</p> <p>21 ATTORNEY IGLITZIN: I'm going object to</p> <p>22 the form of the question.</p> <p>23 Q. Go ahead.</p> <p>24 A. I don't understand. I mean, I think you</p> <p>25 should ask the question in a way that makes sense for</p>	<p>1 When you were there as a council member</p> <p>2 between 2014 and 2016, there were three lawyers who</p> <p>3 were both lawyers and council members: Debora Juarez,</p> <p>4 Bruce Harrell, Lorena González. What you said was, I</p> <p>15 :31 :19 5 don't understand. I just came up there and everybody</p> <p>6 knew I was a council member. My question was, at that</p> <p>7 rally, are you at least willing to accept the premise</p> <p>8 that there were some people that didn't know you were</p> <p>9 not a lawyer?</p> <p>15 :31 :32 10 A. I think that's a problematic premise, the way</p> <p>11 you are setting it up, because what I am saying to you</p> <p>12 is that I don't believe, just in any reasonable</p> <p>13 framework of thinking about that rally, that anybody</p> <p>14 was thinking about who's a lawyer and who's not. Yes,</p> <p>15 :31 :49 15 there are elected officials who are also lawyers, but</p> <p>16 I can, again, say, reasonably speaking, virtually</p> <p>17 anybody when they heard Debora Juarez or whoever</p> <p>18 speak, Bruce Harrell, the mayor, speak, they assume</p> <p>19 that he is speaking as a mayor. That's my reasonable</p> <p>20 belief.</p> <p>21 So in that given that, I don't accept your</p> <p>22 premise. I'm stating what I think the premise</p> <p>23 actually is, which is, when an elected official comes</p> <p>24 out and speaks publicly, who do people see? They see</p> <p>25 an elected official. So when Mayor Harrell speaks, I</p>
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21 (Pages 78 to 81)

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1 think it would be reasonable to assume that people,
 2 when they hear him, they're thinking of him as
 3 Mayor Harrell, and not as a lawyer.
 4 And, yes, it's true some people know he's
 15:32:38 5 a lawyer. Some people may not know he's a lawyer. I
 6 don't know. But I don't think that's actually
 7 relevant, because when you are serving as an elected
 8 representative, everyone knows you are speaking as an
 9 elected representative.
 15:32:51 10 Q. That's my point; right? You just said it. I
 11 want to get to that. You don't know within those 60
 12 to 80 people, that all 60 to 80 people believed the
 13 same way that you do in the concept that, when you
 14 speak as an elected official, you are only doing that.
 15:33:07 15 A. No, that is not what I said. I said that,
 16 regardless of which community members know what the
 17 previous professions were of those elected officials,
 18 when they are sitting elected officials and they speak
 19 as sitting elected officials, I'm saying the exact
 15:33:24 20 opposite of what you claimed I said. I'm saying, when
 21 Mayor Harrell speaks, virtually anybody would
 22 understand that this person is speaking as the mayor,
 23 and his previous profession before he was speaking is
 24 not relevant. That's what I said.
 15:33:39 25 So when I speak as an elected

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1 actually spoke as lawyers, and they clarified that
 2 they were lawyers. But others were speaking as
 3 community members, and I was speaking as a community
 4 member and an elected representative, and I was
 5 delivering my opinion.
 6 Q. Right. And, ma'am, I'm not asking you to be
 7 a lawyer. You just got done saying that you, as a
 8 council member, you spoke at the rally as a council
 9 member, and as a City of Seattle council member, you
 10 said those words, saying that Che Taylor was brutally
 11 murdered. That's what you said, right, as a council
 12 member?
 13 A. I said those words as an elected
 14 representative and a council member.
 15 Q. Right. When you said those words, what is
 16 the basis for you to say, then, that everybody at that
 17 rally understood those words to be an opinion, when
 18 you didn't clarify that that was your opinion?
 19 ATTORNEY IGLITZIN: Counsel, I think
 20 you've gone round on this topic to the point where
 21 it's getting -- I appreciate you'll have a chance to
 22 argue in some other forum that you are not getting an
 23 appropriate answer, but it's getting just a little bit
 24 vexatious.
 15:36:07 25 ATTORNEY SINGLA: And I appreciate that,

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1 representative, I don't know if people know what my
 2 previous profession was, but I do know when I speak as
 3 city council member, what they see is a council member
 4 speaking.
 15:33:51 5 Q. Right. And they see a council member saying,
 6 Che Taylor was murdered. That's what they hear the
 7 council member saying; right?
 8 A. They're hearing an elected representative, a
 9 council member speaking, and they understand that when
 10 the council member says there was a brutal murder,
 11 they understand it's an opinion.
 12 Q. How do you know that if you didn't survey
 13 those people to get the understanding that it's an
 14 opinion versus fact?
 15:34:24 15 A. I am making a reasonable understanding based
 16 on just general human knowledge, because I'm not a
 17 lawyer, so -- and I don't, I don't -- I honestly don't
 18 agree that I need to survey, I literally need to ask
 19 each person, because I was not even thinking about
 15:34:44 20 that. At that moment and now, nothing has changed
 21 between that moment and now. I was not a lawyer then.
 22 I'm not a lawyer now. I was not speaking in a legal
 23 sense, and I was speaking as a matter of opinion, just
 24 like others were speaking as a matter of opinion.
 15:34:59 25 And there might have been people who

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1 but councilmember's answers don't quite cover
 2 everything, so I'm just trying to get --
 3 A. I don't agree. I have been responding, but I
 4 don't -- some of the premises you set up are not
 5 accurate, and when I don't answer, that's because I
 6 don't agree with the premise.
 7 Again, just to repeat my answer to your
 8 question: I am not a judge. Only a judge can decide
 9 legally what the outcome of any given case should be.
 15:36:38 10 I was there as an elected representative. Everybody
 11 knew that I was there as an elected representative,
 12 and that's, that's the basic, that's the basic
 13 framework. That's the premise. That's the context in
 14 which people saw me speaking. And in that context,
 15:36:54 15 yes, people knew that I was giving my opinion. And as
 16 you can see from this email, not everybody shared that
 17 opinion, but everybody knew that that was an opinion.
 18 ATTORNEY IGLITZIN: Counsel, I think
 19 you've heard a full explanation from the councilmember
 20 as to why she believed she could stake out the
 21 position she's staking out.
 22 ATTORNEY SINGLA: Right.
 23 ATTORNEY IGLITZIN: I understand it's not
 24 satisfying to you, but I don't think it's going to
 25 change, from my observation.

22 (Pages 82 to 85)

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1 ATTORNEY SINGLA: We can do this off the
 2 record, but I think Judge Pechman will want it on the
 3 record anyways. It's up to you how you want to handle
 4 it with your client. Just because your client does
 15:37:34 5 not accept the premise of my question, doesn't
 6 mean that she can't -- she still has to answer the
 7 question, regardless --
 8 ATTORNEY IGLITZIN: I think she is
 9 answering it. You are not satisfied with or perhaps
 15:37:45 10 fully don't understand. I don't mean that as an
 11 aspersion, but it's an interesting analytic
 12 discussion. I think when we look at the transcript,
 13 we will see that the councilmember is articulating
 14 very clearly her answer to your question, your
 15:38:00 15 question being repeatedly, how can you make that
 16 assertion without having surveyed people, and she has
 17 answered that question.
 18 Q. I'll ask this question: So the answer is,
 19 that it is your presumption without surveying people
 15:38:15 20 that they understood it to be an opinion; is that
 21 true?
 22 A. Once again, the way you are setting up the
 23 question, it implies as if there was some impropriety
 24 or, or something objectionable about me going there as
 15:38:44 25 an elected representative and conveying my opinion.

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1 A. I think it is, it is a case where it is very
 2 much a matter of opinion, because other people, while
 3 they may not be elected representatives, are also not
 4 the judge in this case.
 15:40:26 5 So everybody had an opinion about what
 6 happened to Che Taylor. Some people thought it was
 7 just. Some people thought it was unjust. And the
 8 people who thought it was unjust, many of them called
 9 it "murder."
 15:40:39 10 So in other words, the usage of the word
 11 "murder" is not in a legal sense from either me or
 12 people who are not lawyers, and specifically people
 13 who are not the judge in that case, and it's being
 14 used in common parlance to mean -- you know, the word
 15:40:57 15 "murder" is being used in common parlance to mean
 16 something that was completely unjust, you know, just a
 17 shocking taking of life. And as I said, people who
 18 watched the video and who shared my opinion that it
 19 was murder, saw what was really an execution-style
 killing.
 15:41:14 20 Q. Not my question at all.
 21 ATTORNEY SINGLA: And, Dmitri, that was
 22 not even an answer to my question.
 23 Q. My question is a yes-or-no question. And
 15:41:22 24 just to let you know, Councilmember, in this process,

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1 And it's also, quite frankly, absurd to say that
 2 people there, you know, in any rally, not just that
 3 rally, are thinking about the previous professions of
 4 elected representatives of -- you know, in any
 15:39:03 5 context.
 6 In any context people know that elected
 7 representatives give -- officials give their opinions,
 8 and you can either agree or disagree with their
 9 opinion. But I think I can reasonably say that people
 15:39:18 10 at the rally and since other people, other
 11 constituents who have been in touch with us or who
 12 know that I am on the council, know that when you are
 13 a sitting council member, you are not a judge.
 14 Whether they know my previous profession or not, at
 15:39:35 15 the very least, they know that I am -- as a sitting
 16 council member, I'm not the judge in this case.
 17 So at least they know the basic facts that
 18 when I say "murder," I could not possibly be speaking
 19 as a judge or a potential judge on that case. And in
 15:39:50 20 that sense, yes, it was my opinion, and in that sense,
 21 I think it is reasonable for me to assume that people
 22 knew that I was giving my opinion, whether they agreed
 23 with it or not.
 24 Q. Is it possible that someone at that rally
 15:40:04 25 took your statements to be factual and not opinion?

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1 I do, in fact, get to ask leading questions, and I do
 2 get to ask yes-or-no questions, and I'm just looking
 3 for a yes-or-no answer.
 4 Yes or no: Is it possible that there were
 15:41:38 5 some people at that rally that understood your
 6 statements to be factual and not opinion?
 7 A. I think, again, as I said, everybody knew I
 8 was speaking as an elected representative, not as a
 9 judge, and in that sense, people understood that I was
 15:41:53 10 giving my opinion.
 11 Q. Yes or no: Is it possible that there were
 12 some people at that rally that could understand your
 13 statements to be factual and not opinion? Just a
 14 yes-or-no question.
 15:42:09 15 ATTORNEY IGLITZIN: Well, Counsel, I'll
 16 note that you can ask a yes-or-no question, but the
 17 witness gets to answer the question as she sees fit.
 18 A. In the sense that people understood that I
 19 was speaking there as an elected representative, not
 20 as a judge, people understood I was giving my opinion.
 21 Q. So the answer to -- so I'll take that answer
 22 to mean, no, nobody -- it's not possible that anybody
 23 at that rally understood your statement to be factual;
 24 is that correct?
 15:42:39 25 A. It's not possible for me to answer that

23 (Pages 86 to 89)

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15:42:54	<p>1 question, because I cannot divine what was in people's 2 minds. However, as a reasonable person, everybody 3 knew that we were -- that I was speaking as an elected 4 representative, so in that sense, no, I don't think 5 that they could have understood --</p> <p>6 Sorry. What was the question? That they 7 could have -- how did you state it?</p> <p>8 Q. That, no, it's not possible that somebody 9 could have understood your answers, or your statements 10 to be factual.</p>	<p>15:53:30</p> <p>1 murder is a separate thing."</p> <p>2 Q. Right.</p> <p>3 A. Just Englishwise, that doesn't make sense.</p> <p>4 The first sentence by itself.</p> <p>5 Q. I apologize. The definition is, "The crime 6 of unlawfully killing a person, especially with malice 7 aforethought." And the way that it's being used is 8 somebody was, quote-unquote, was convicted of murder. 9 That's what it says; right?</p>
15:43:08	<p>11 A. They could not have understood that as 12 factual, because they knew that I was speaking as an 13 elected representative and I was giving my opinion. 14 So yeah, the answer to your question is, no, they 15 could not have thought that, because I was speaking as 16 an elected representative.</p> <p>17 Q. And at the same time, you could not divine 18 what all those people were thinking; right?</p> <p>19 A. I can -- I do know, though, that -- I mean, I 20 can't divine what they were thinking in general, but I 21 do want to clarify that they do know that I was 22 speaking as an elected representative.</p> <p>23 So in the way that you are asking the 24 question, the answer to your question is no.</p> <p>25 Q. Okay.</p>	<p>15:53:45</p> <p>10 A. That's what it says.</p> <p>11 Q. And then the second definition, which is 2a, 12 would be, "something very difficult or dangerous;" 13 like, "the traffic was murder"; right?</p> <p>14 A. That's correct.</p> <p>15 Q. And then the third definition is "something 16 was outrageous or blameworthy; getting away with 17 murder"; right?</p> <p>18 A. That's what it says.</p> <p>19 Q. You'd agree with me, at least according to 20 Merriam-Webster what I pulled off the Internet, the 21 2a, "something very difficult or dangerous" 22 wouldn't apply in this situation; right?</p> <p>23 A. That would not apply.</p> <p>24 Q. And the way that you used it, something 25 outrageous or blameworthy would not apply; right?</p>
15:43:19		
15:43:31		
15:52:19		
15:52:38		
15:52:53		
15:53:04		
15:53:14		
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1	(Discussion off the record.)	1 A. I mean, obviously the way the term "getting 2 away with murder" is commonly used, it's referring to 3 things not actually related to taking of life, but 4 more like an everyday occurrence.
2	(Recess.)	2 Q. Right. I'll direct you to your declaration, 3 those words that you wrote three days ago, and 4 paragraph 8 where you said that you "did not 5 understand anyone who used the word 'murder' to be 6 using it in the technical, legal sense but only as a 7 layperson would, to describe a wrongful killing that 8 should be considered criminal." That's what you said, 9 should be -- was the definition that you were using; 10 right?
3	(Exhibits-10 through -13 marked.)	11 A. That's correct.
4	Q. I'm going to put Exhibits-10 through 13.	12 Q. Okay. And that would be more akin to the 5 Before the break, you just said, Hey, look, you are 6 not a lawyer. You were using the terms as a 7 layperson. I have taken the definitions from the 8 Merriam-Webster dictionary of what the terms that you 9 were using were that a layperson would go to if they 10 were looking at what they meant, so let's go through 11 them.
15:52:19	12 Exhibit-10, do you agree with me that the 13 term "murder" definition would be a "crime of 14 unlawfully killing a person, especially with malice 15 aforethought; was convicted of murder"? That's what 16 the first definition states; right?	12 A. I think it is clear what I meant in point 8, 13 that the word "murder" is -- was not used by me or the 14 community members in any technical legal sense, 15 because none of us are in a position to make that 16 call, but as a layperson, what seems to us as wrongful 17 and should be considered criminal.
15:52:38	17 ATTORNEY IGLEITZIN: I'm sorry. Object to 18 the form of the question.	17 Q. Right. So I'm going to direct you to 18 Exhibit-12, which is the Merriam-Webster dictionary 19 definition of "wrongful." Do you see that?
15:52:53	19 Q. Go ahead. I'm just having you confirm that 20 that's what the definition says.	20 A. Yes. Although I think the "was convicted of
15:53:04	21 ATTORNEY IGLEITZIN: Are you having her 22 confirm that's what Exhibit-10 represents that 23 Merriam-Webster says?	21 A. That's correct.
24	24 ATTORNEY SINGLA: Yes.	22 Q. Okay. And that would be more akin to the 23 first definition we're talking about?
15:53:14	25 A. Yes. Although I think the "was convicted of	23 A. I think it is clear what I meant in point 8, 24 that the word "murder" is -- was not used by me or the 25 community members in any technical legal sense,

24 (Pages 90 to 93)

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1	A. I do.	1 know, but they are not. As I said elsewhere in my
2	Q. Okay. And in that dictionary definition, I'm	2 statement, that I know that police officers have not
3	just having to confirm, "wrongful" is either "wrong"	3 been brought to justice for these types of killings,
4	or "unjust." That's one definition; right?	4 and that's why there should be police accountability.
15:56:13 5	A. That's right.	15:59:24 5 Q. What you told -- you were clarifying for the
6	Q. And then the second one is "having no legal	6 judge in paragraph 8 what you meant by "murder" on
7	sanction" or "unlawful." That's the second one;	7 February 25th of 2016; right?
8	right?	8 A. That's correct.
9	A. That's right.	9 Q. Okay. And there you said that what you meant
15:56:22 10	Q. Okay. And then I'm going to direct your	10 was it was a "wrongful killing that should be
11	attention to Exhibit-13, and that's the Miriam Webster	11 considered criminal." Who should have been criminally
12	dictionary of "criminal." And there the dictionary	12 charged?
13	definition says it's "relating to" or "involving, or	13 A. As I said before, it's the problems -- and as
14	being a crime." That's the first one; right?	14 I said in my speech, the problems are systematic. And
15:56:50 15	A. Right.	15 part of addressing the systematic problem is to bring
16	Q. The second one is, "relating to crime or to	16 to justice individual actions as well. Because, you
17	the prosecution of suspects in a crime." That's the	17 know, Che Taylor was killed by some officers.
18	second one?	18 Similarly Charleena Lyles was killed by some officers.
19	A. That's correct.	19 And so unless we started having individual
15:57:01 20	Q. And the examples of that is "criminal	20 accountability, it would be impossible to begin the
21	statistics, broad criminal action," or "criminal	21 process of a systematic overhaul of, you know, lack of
22	justice system"; right?	22 accountability.
23	A. Correct.	23 Q. Is it your testimony that the officers should
24	Q. And the third one is "guilty of "crime," as	24 have been criminally charged for Che Taylor's
15:57:14 25	in it's "befitting a criminal"; right?	25 killing?
	Page 95	Page 97
1	A. Right.	1 A. As I said, I believe that it was a wrongful
2	Q. So I'm looking -- and this is what I did,	2 killing of Che Taylor, and that there should be --
3	Councilmember: I looked at your definition that you	3 that we should have in our society far more
4	told Judge Pechman in Exhibit-8, which says you would	4 accountability than we do today, in which individual
15:57:30 5	describe it to be a, murder to be "a wrongful killing	5 officers are held accountable.
6	that should be considered criminal." I took no legal	6 Q. And one of the ways they would be held
7	definitions. I took the Merriam-Webster definition.	7 accountable would be to charge criminally?
8	Would it be fair to say that taking your definition	8 A. There has to be, you know, consequences for
9	from paragraph 8, that this would be a wrong or unjust	9 their actions, so that would be -- that would be in
15:57:56 10	killing that would be related to a crime?	10 the framework of consequences for their actions.
11	ATTORNEY IGLITZIN: Object to the form of	11 Q. So yes, the individual officers who killed
12	the question.	12 Che Taylor should have been charged criminally?
13	A. As I said before, the statement I made at the	13 A. As I said, it was not just about Che Taylor.
14	speech, in the speech was, you know, as an ordinary	14 It was about a pattern of racial profiling and
15:58:28 15	person who would understand what is wrong, what seems	15 unaccountable loss of life at the hands of police,
16	like a wrongful death, a wrongful killing at the hands	16 and -- I'm answering your question. And that means,
17	of the police department, and that it should be	17 that officers who are responsible for such unjust
18	considered criminal, which is related to all the	18 taking of life should be brought to justice, and part
19	statements that my office has made about the need for	19 of that is what happens in the criminal justice
15:58:48 20	police accountability; the need for an elected	20 system.
21	community oversight board that has full powers over	21 But again, to repeat what I said earlier,
22	the police.	22 I was using the word as a layperson, not as a legal
23	So all of that, what all of that implies,	23 expert or as a judge.
24	that we believe that this was -- that killings like	24 Q. Okay. So Charleena Lyles had not died as of
15:59:03 25	Che Taylor's should be considered murder and, you	25 February 25th of 2016, because she died in 2017.

25 (Pages 94 to 97)

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16:02:21	<p>1 George Floyd hadn't died as of February 25th of 2016, 2 because he died a year later [sic]. On February 25th, 3 2016, when you used the word "murder," according to 4 you describing it as "a wrongful killing that should be considered criminal," on that day, was it your intention that the officers should have been criminally charged?</p> <p>A. You are right, that on that day Charleena Lyles had not been killed or George Floyd had not been killed. But it is not accurate to imply that it was simply about Che Taylor, because Che Taylor's death came on the -- in the wake of a number of killings of ordinary citizens at the hands of the Seattle Police Department, not to mention the far larger number of killings at the hands of police departments in cities across the nation.</p> <p>So as I made it very clear in my speech, yes, Che Taylor deserved justice. The family of Che Taylor deserves justice. But it wasn't just about Che Taylor. It was, it was -- the problem was that it was not an isolated incident. It was part of a pattern, a systematic process of unaccountability. And yes, as part of addressing that, or bringing about that unaccountability, it does mean that individual officers need to be held accountable.</p>	<p>16:05:14</p> <p>1 As I said before, the reason the Che Taylor murder was such a flashpoint that brought about the rally, and then following that, of course, you saw George Floyd, was because none of these incidents exists by itself. It shows a pattern of excessive use of force by the police, and Che Taylor's loss of life was part of that pattern.</p> <p>16:05:37</p> <p>8 And if we are to bring about any semblance of accountability at the police department, it does mean that part of that process has to be that officers who use excessive use of force have to be held accountable.</p> <p>16:05:58</p> <p>13 But as I've said in my speeches and my public speaking many times, that such a thing is not possible without also having a broader framework of, you know, for example, as I said, an elected community oversight board that reviews policies and procedures, and all of that. I was speaking both as a layperson's understanding of "murder" and as with my responsibility as an elected representative of what I believe needs to be the political shift that needs to happen with police accountability.</p> <p>16:06:15</p> <p>23 ATTORNEY SINGLA: So now, this is where, Dmitri, you put me on a clock. I'm going to put this on the record. Councilmember is not answering my</p>
16:03:17		
16:03:29		
	Page 99	Page 101
16:03:51	<p>Q. So I'm going to focus on the sentence that's bolded in the complaint. We confirmed that's what you said. "The brutal murder of Che Taylor, just a blatant murder at the hands of the police, shows how urgently we need to keep building our movement of basic human rights for the black people and brown people." I want to focus on that sentence.</p> <p>And in that sentence, I want to focus on the word "murder." The word "murder" is used twice in that sentence; do you agree?</p> <p>A. That's correct.</p> <p>Q. And once it's described as a "brutal murder," and the second time it's described as a "blatant murder"; correct?</p> <p>A. That's correct.</p> <p>Q. And you just got done telling Judge Pechman that when you said the word "murder," either as a "brutal murder" or "blatant murder," you meant it was a wrongful killing that should be considered criminal.</p> <p>So my question is: When you are using the word "murder" of Che Taylor, not of anybody else, "brutal murder of Che Taylor, just a blatant murder at the hands of the police," did you then understand or mean that the officers who killed Che Taylor should be criminally charged?</p>	<p>16:06:43</p> <p>1 questions directly. I mean, every question, Judge Pechman can read it, is a three-page answer. My questions are very simple, yes or no.</p> <p>Q. Yes or no, Councilmember: Did you mean that the officers should have been criminally charged? That's a yes-or-no question.</p> <p>8 A. It's not a yes-or-no question for me.</p> <p>Q. It is.</p> <p>9 ATTORNEY IGLITZIN: Don't interrupt her.</p> <p>16:06:53</p> <p>10 ATTORNEY SINGLA: I will interrupt her, Dmitri, because here's the thing: If she's going to go down this way -- and I'm happy to put that -- she can go as long as she wants, but then we can't be on a 6 o'clock hard stop. If on the other hand, I will direct the questions, and these are yes-or-no questions. I've done this with Judge Pechman before. I'm more than happy to go in front of her just for this deposition and say, the way that this deposition is being conducted, because we are on that hard clock for you is simply inappropriate.</p> <p>16:07:06</p> <p>15 Q. So I'll ask the question one more time.</p> <p>22 ATTORNEY IGLITZIN: Hang on.</p> <p>23 ATTORNEY SINGLA: Go ahead.</p> <p>24 ATTORNEY IGLITZIN: Let me respond. It's not civil to interrupt her. You can take your</p>
16:04:06		
16:04:21		
16:04:36		
16:04:56		

26 (Pages 98 to 101)

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16:07:50	<p>1 argument to Judge Pechman after the fact. You can 2 take an argument about the hard stop. You can do 3 anything. I respect that. But I think you'll agree, 4 one way or another, you got to let her finish her answers, and then you can try more. That's my position.</p> <p>7 ATTORNEY SINGLA: Fine. That's a fine 8 position.</p> <p>9 Q. What information did you have between 10 February 21st and 25th, when you spoke, what 11 information did you have about the incident?</p> <p>12 A. I had watched the video --</p> <p>13 Q. Okay.</p> <p>14 A. -- of Che Taylor's loss of life, and I had spoken to several community members.</p> <p>16 Q. Okay. Which community members?</p> <p>17 A. I don't recall which, specifically.</p> <p>18 Q. I'm going to give you Exhibit-4. We asked 19 this question of you in your discovery responses. And starting on the interrogatory 1, which is on page 7 21 says, "Please identify all persons with whom you have 22 discussed the detectives or Che Taylor incident."</p> <p>23 A. Where are the page numbers?</p> <p>24 Q. They're on the very bottom.</p> <p>16:09:35 25 A. Oh, okay. You said page 7?</p>	<p>16:11:32 1 Q. Okay. But let me --</p> <p>2 A. But there are people who I probably talked to 3 before and after, so I couldn't be sure.</p> <p>4 Q. I'm going to go through every one of them, and then you can tell me. Lorena González?</p> <p>6 ATTORNEY IGLITZIN: And what is the 7 question? Whether she talked to Lorena before the 8 speech?</p> <p>9 ATTORNEY SINGLA: Yes.</p> <p>16:11:41 10 A. As I said, I've talked to Lorena González 11 about the issue, but I could not tell you exactly I 12 remember -- you are specifically asking about before, 13 so I'm not sure if I remember that.</p> <p>14 Q. What about Bruce Harrell?</p> <p>16:11:56 15 A. Again, I'm not sure I remember, but I'm sure 16 I talked to him about the issue.</p> <p>17 Q. What about Larry Gossett?</p> <p>18 A. Same.</p> <p>19 Q. You don't remember, but you could have talked to him before the issue?</p> <p>21 A. It's possible. I don't know.</p> <p>22 Q. Before your speech?</p> <p>23 A. It's possible. I just don't remember.</p> <p>24 Q. Ted Virdone?</p> <p>16:12:06 25 A. Definitely talked to him before, because he's</p>
16:10:07	<p>1 Q. Page 7. And then I'm going to direct you to 2 page 14. Interrogatory No. 2 on page 14, we asked 3 you, "Please explain in detail any investigation you 4 conducted regarding the Che Taylor incident as of February 25th, 2016." Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And then your response starting on line 14 8 was, "Defendant discussed the Che Taylor incident with 9 the individuals identified in response to Interrogatory No. 1 above." In your response to 11 Interrogatory No. 1, you identified 19 individuals. I 12 need to know of those 19 individuals, which are the 13 individuals that you spoke to prior to February 25th 14 of 2016 before you gave your speech.</p> <p>16:10:56 15 ATTORNEY IGLITZIN: If I can suggest 16 something efficient, since there's so many names. I 17 expect as you walk through these names, you can 18 identify each one and give the answer, rather than 19 trying to look at all of them.</p> <p>16:11:08 20 THE WITNESS: Right.</p> <p>21 Q. And then I can tell you -- how about I do it 22 this way: It will be a yes or no and go quicker.</p> <p>23 A. Before you start. I can probably tell you 24 with more confidence based on my memory people I had not talked to.</p>	<p>16:12:34 5 my staff member.</p> <p>2 Q. What did you talk to him about?</p> <p>3 A. Well, we are a council office, so we, we 4 routinely discuss our political work, and when something as important as this issue comes up, then we 6 have discussions about it. And we also watched the 7 video.</p> <p>8 Q. So you watched the video with Ted. I 9 understand generally you talk about everything. What 10 about the Che Taylor incident did you talk to Ted 11 about before your speech?</p> <p>12 A. I don't -- I couldn't remember, exactly.</p> <p>13 Q. Okay. Is there anything that would help you 14 remember?</p> <p>16:12:52 15 A. I don't understand. By "anything," what do 16 you mean?</p> <p>17 Q. Is there any emails or any notes that you 18 took or anything like that that would help you 19 remember?</p> <p>16:13:03 20 A. I don't know. I mean, maybe there are 21 emails. I couldn't tell you right at this moment.</p> <p>22 Q. What about Adam Ziemkowski? You spoke to 23 him?</p> <p>24 A. I did speak to him, but again, I couldn't 25 tell you exactly what I spoke about.</p>

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				Page 106	Page 108
1	Q.	What about Kathleen O'Toole? Did you speak	1	A. No.	
2		to her before your speech?	2	Q. Darin obviously not?	
3	A.	No, I didn't speak to her.	3	A. No.	
4	Q.	Gerald Hankerson, did you speak to him before	4	Q. Jacob Harksen?	
16:13:42	5	your speech?	16:16:09	5	A. No.
6	A.	I, again, as I said, it's being so long, I	6	Q. Not. What about Katelyn Sypher?	
7		don't remember, exactly, but I -- I know I spoke to	7	A. No.	
8		him about this issue several times, and I also	8	ATTORNEY IGLITZIN: I can help with that.	
9		remember I spoke to him at the rally, but that's all.	9	Katie was an attorney in my firm at the time.	
16:14:00	10	I can't recall --	16:16:25	10	THE WITNESS: Katie?
11	Q.	And this is before the rally. You see the	11	ATTORNEY IGLITZIN: Yeah.	
12		rally happening. You decide to go down there. I'm	12	Q. Carson Phillips?	
13		talking about before.	13	ATTORNEY IGLITZIN: Was also an attorney	
14	A.	I'm sorry. You are asking me before?	14	in my firm at that time.	
16:14:13	15	Q. Yeah.	16:16:35	15	A. No.
16	A.	Yeah, I can't remember if I did or not.	16	Q. And same thing with James Lobsenz?	
17	Q.	What about Sheley Secret?	17	A. Same.	
18	A.	Same response.	18	Q. Well, what about Jonathan Rosenblum?	
19	Q.	You can't remember?	19	A. The answer is the same as for Ted Virdone and	
16:14:22	20	A. (Witness shakes head.)	16:16:47	20	Adam Ziemkowski.
21	Q.	What about Andre Taylor?	21	Q. Because he works for you?	
22	A.	I had not spoken to him before, because I had	22	A. Used to.	
23		not met him.	23	Q. Okay. And then, so if I'm taking this, you	
24	Q.	Right. Calvin Priest?	24	spoke to your staff, so those are the people that you	
16:14:37	25	A. Probably. He's my husband, so I had probably	16:16:58	25	spoke to before the rally. And then of the community
				Page 107	Page 109
1		spoke to him.	1		members that you possibly spoke to was, perhaps,
2	Q.	Tom Crean?	2		Gerald Hankerson would be the one community member of
3	A.	Same answer: I probably spoke, but I can't	3		this list, and you can't remember specifically about
4		remember.	4		Tom Crean or Bryan Koulouris?
16:14:54	5	ATTORNEY IGLITZIN: I'm sorry. Just to	16:17:26	5	A. Sorry. Just to clarify. Gerald Handerson
6		clarify. You probably spoke before the incident?	6		and Sheley Secret were both, I believe, at the rally,
7	A.	Oh, sorry, no. I don't --	7		so I do remember speaking to them at the rally. What
8	Q.	We'll go back. This is, did you --	8		I don't remember is whether I spoke to them in the
9		ATTORNEY IGLITZIN: I didn't mean to jump	9		intervening four days.
16:15:05	10	in.	16:17:41	10	Q. That's what I'm trying to get at, because
11	A.	The responses I gave so far are all with	11		what you said was what you did between the incident
12		reference to before the rally.	12		and the rally was look at a video and spoke to
13	Q.	Before the rally?	13		community members. What you answered in your
14	A.	Yeah. Andre Taylor, I had not met him before	14		discovery responses was all the people that you spoke
16:15:19	15	the rally, so that's accurate. Calvin Priest is my	16:17:56	15	to prior to the February 25th incident. And of all
16		husband. Very likely I spoke to him before, but I	16		the people that you spoke to, I can only identify --
17		don't know for a fact if I did or not. Tom Crean, I	17		aside from your staff, I can only identify, perhaps,
18		would probably say I spoke to him after, not before,	18		Gerald Hankerson, Sheley Secret, Tom Crean, Bryan
19		but again, I'm not sure.	19		Koulouris, we'll call him Bryan, and Calvin priest.
16:15:41	20	Q. Brian Koulouris?	16:18:20	20	Would that be fair?
21	A.	Same response as for Tom Crean.	21		A. I think when I said "community members," I
22	Q.	Most likely after?	22		also was thinking, I mean, people also talked to me
23	A.	Most likely afterwards, but probably not	23		whose names I don't know, and it was a fairly
24		before. But could have been. I don't know.	24		prominent incident, and so I'm just saying that I
16:15:56	25	Q. Dmitri, obviously not, because --	16:18:38	25	can't remember if I did or not, but, you know.

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16:18:59 5	<p>1 Q. So what we do know is that you saw the video. 2 Did you look at any newspaper articles? 3 A. I can't remember if I did or not. 4 Q. Did you review any officer statements? 5 A. I can't remember if I did or not.</p> <p>6 Q. There's something that's called a Force 7 Review Board that happens at the Seattle Police 8 Department every time there is a use of force, 9 especially a deadly use of force. Did you contact 10 anybody at the force review board?</p> <p>11 A. No.</p> <p>12 Q. There's also what's called FIT, F-I-T, which 13 is a force investigation team. Did you contact 14 anybody from the force investigation team?</p> <p>15 A. No.</p> <p>16 Q. And you didn't speak to Kathleen O'Toole?</p> <p>17 A. No.</p> <p>18 Q. Did you speak to anybody in the Seattle 19 Police Department command staff?</p> <p>20 A. No.</p> <p>21 Q. Did you speak to the captain, who was the 22 captain for these two officers, before the rally on 23 February 25th, 2016?</p> <p>24 A. No. And as I said before, I mean, just in 25 terms of all the, all the -- just the recent</p>	<p>16:21:43 5</p> <p>16:22:00 10</p> <p>16:22:21 15</p> <p>16:22:39 20</p> <p>16:22:55 25</p>
16:19:15 10		<p>1 alone in seeing what I saw. You know, just to 2 confirm, are you seeing what I'm seeing? 3 And again, just to be clear. I'm speaking 4 as a layperson to other lay people. I was not asking 5 anybody their legal opinion, because I'm not a legal 6 person. I'm an elected representative. And I talked 7 to community members, like community leaders, like 8 Gerald Handerson, in terms of understanding what they 9 felt they saw, what they felt what happened, and listened to their speeches.</p> <p>11 So in terms of what, what I looked at to 12 formulate my layperson's opinion, this is what I did. 13 Q. So what you looked at was the video. Now I'm 14 going to ask you about what is called a "Significant 15 Incident Report." A significant incident report is a 16 report that's generated at the end of every shift that 17 demarks significant incidents that happen during that 18 shift all around the city of Seattle. It is available 19 to not only command staff, but also available upon request to other members of the city, including 21 council members, the mayor, and the city attorney's 22 office.</p> <p>23 Did you request or look at the significant 24 incident report between February 21st, after the Che Taylor incident and before you went to the rally?</p>
16:19:29 15		
16:19:40 20		
16:19:56 25		
	Page 111	Page 113
16:20:22 5	<p>1 questions, I think what was absolutely crucial was to 2 watch the video. And we had a political discussion in 3 our office also in terms of what my staff members felt 4 when they watched the video. And I did talk to Gerald 5 Handerson and Sheley Secretre and others -- I 6 don't remember their names now -- others who were at 7 the rally as well about it.</p> <p>8 And I -- my personal belief is that 9 talking to community members and NAACP leaders was the most crucial thing at that moment.</p> <p>11 Q. I'm talking about the facts of the incident 12 itself. So all you did as far as to discover the 13 facts of the incident -- not who you talked to about 14 how they feel -- the discover the facts of what 15 happened in the Che Taylor incident, was just watch 16 the video; right?</p> <p>17 A. I did watch the video, but I also would not 18 agree of your characterization of minimizing watching 19 of the video, because the video is very striking. As 20 I said, it reveals an execution-style killing, and I 21 did form -- it was a big part of how I formed my 22 opinion.</p> <p>23 And it is also important to talk about how 24 other people feel, precisely because I wanted to make sure that I was not isolated -- I mean, I was not</p>	<p>16:23:23 5</p> <p>16:23:42 10</p> <p>16:23:58 15</p> <p>16:24:19 20</p> <p>16:24:37 25</p>
16:20:42 10		
16:20:55 15		
16:21:12 20		
16:21:27 25		

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16 : 24 : 59	<p>1 And furthermore, as I said many times 2 before, today, that -- I mean, in this proceeding 3 today, that Che Taylor's loss of life stood out, not 4 only because of the blatant way in which it happened, 5 which everybody could see whoever watched the video, 6 but also because it was one of a long line of 7 unaccountable loss of life at the hands of -- I'm 8 answering your question.</p> <p>9 Q. Go ahead. I'm not saying anything. Go 10 ahead.</p> <p>11 A. But you are gesticulating is if to.</p> <p>12 Q. Right, because it's not the question I asked.</p> <p>13 A. No, it is the question you asked, and your 14 gestures would lead anybody in my position to stop 15 themselves in their tracks. That's why I'm asking, 16 let me finish.</p> <p>17 So you asked me, why did you not call 18 Kathleen O'Toole and I'm explaining to you why I did 19 not call Kathleen O'Toole. She is the police chief 20 and she was the police chief at the time. And as I 21 said, the reason Che Taylor's death was such a 22 flashpoint in part of the -- as part of the ongoing 23 BLM movement, was precisely not only because of the, 24 just the shocking nature in which he was killed, but 25 also because it was one in a long line of killings at</p>	<p>16 : 27 : 41</p> <p>1 going to talk about the video. We are just going to 2 talk about the incident. And these are going to be 3 yes-or-no questions. I appreciate that you are going 4 to tell me that the video showed you something else. 5 We'll pull up the video in a second.</p> <p>6 My question is: Did you discover that Che 7 Taylor was a convicted felon whose right to possess a 8 firearm had been taken away?</p> <p>9 A. As I said, I don't know if I knew it at that 10 time. I probably learned about it, you know, as part 11 of the discussions around it.</p> <p>12 But I also do not agree with an 13 implication in your question that somehow that killing 14 might have been justified because of his prior 15 background. I don't agree with that.</p> <p>16 Q. I'm not implying that at all. I'm saying, 17 did you know that?</p> <p>18 A. I'm saying that I think you are implying 19 that, so I'm saying I don't agree with an implication.</p> <p>16 : 28 : 24</p> <p>20 Q. I'll caution you not to worry about what I 21 think. Just listen to my question and answer my 22 question.</p> <p>23 My next question is: Did you know that 24 Officer Miller and Officer Spaulding observed a 25 firearm on Che Taylor's holster, and that confirmed he</p>
	Page 115	Page 117
16 : 26 : 17	<p>1 the hands of police where the police had not been held 2 accountable. So I was in no way under any illusion 3 that having conversations with the police department's 4 chief is going to give me any reasonable answers.</p> <p>5 It's a question of what the police 6 department's record is, and we have seen -- you know, 7 this was seven years ago. We have seen since then 8 what has happened. There's been killing after killing 9 at the hands of the police, and Che Taylor's was one 10 of them. And so I believe that for me to be informed 11 as an elected representative, I don't -- there's no, 12 there's no expectation in my mind that calling the 13 police chief is going to illuminate the issue in any 14 useful way to me or enlighten me in the way I need to 15 be. I think that watching the video and talking to 16 community members, especially in the black community, 17 was what I needed to do.</p> <p>18 Q. Did you know, did you at any time discover 19 between February 21st and before your rally, that Che 20 Taylor was a convicted felon whose right to possess a 21 firearm had been taken away?</p> <p>22 A. I don't know if I was aware of that or not. 23 However, as I said, the video made it very clear that 24 it was an execution-style killing.</p> <p>16 : 27 : 29</p> <p>25 Q. And we're going to put that aside. We're not</p>	<p>1 did not have a lawful right to possess that firearm?</p> <p>2 ATTORNEY IGLITZIN: Object to the form.</p> <p>3 The question assumes facts not in evidence.</p> <p>4 Q. Go ahead. Did you know that?</p> <p>16 : 28 : 50</p> <p>5 A. Sorry. Ask that question again.</p> <p>6 Q. Sure. Did you know that on February 21st, 7 when Officer Miller and Officer Spaulding saw Che 8 Taylor, he had a gun in his holster, and they 9 confirmed that his right to possess a firearm had been 10 taken away because he was a convicted felon?</p> <p>16 : 29 : 09</p> <p>11 ATTORNEY IGLITZIN: I also object it's 12 compound, as well as a question that specifically 13 confirms facts that are not true.</p> <p>14 Q. Go ahead.</p> <p>16 : 29 : 19</p> <p>15 A. First of all, you are using the names of the 16 officers. I don't want my response to imply that I 17 knew the names at that time, because I did not.</p> <p>18 Q. Okay. Let me rephrase the question, then. 19 Did you know that the officers that shot Che Taylor, 20 they saw Mr. Taylor with a gun in his holster, and then 21 after seeing him with a gun in his holster, they then 22 confirmed that he did not have a lawful right to 23 possess a firearm? Did you know that?</p> <p>16 : 29 : 37</p> <p>20 ATTORNEY IGLITZIN: Objection to the form 21 of the question, compound, assumes facts,</p>

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1	counterfactual facts.	1 environment committee. I don't know what --
2	Q. Go ahead.	2 A. I was the chair.
3	A. It's difficult to answer that question,	3 Q. You were the chair. Now, civil rights issues
4	because, again, the question is premised on this idea	4 fell under your purview; right?
16 : 30 : 04	5 that what the police say is a fact. Well, there's	16 : 32 : 47 5 A. No, no. It was not civil rights. It was --
6	been just countless, countless numbers of incidents	6 I think it was energy and sustainability, or something
7	that show that police will actually brazenly lie in	7 like that. It was definitely not civil rights.
8	order to justify their excessive use of force.	8 ATTORNEY SINGLA: Dmitri, I can print this
9	So I honestly cannot answer that question	9 out, or you can just take a look at it, and then I'm
16 : 30 : 26	10 because it's premised on this idea. I mean, you are	16 : 33 : 26 10 going to show it to her.
11	saying, did you know that this is a fact? Well, I	11 ATTORNEY IGLITZIN: Let me look at it.
12	don't accept that's a fact or not, so it's hard for me	12 You can show it to her.
13	to answer that.	13 A. What is it?
14	Q. You didn't call for a hearing or a public	14 Q. I'm just looking at, this is the city council
16 : 30 : 46	15 hearing in this speech on February 25th; did you?	16 : 33 : 47 15 member assignments for 2016, 2017. It shows you as
16	A. Like I said, it's been seven years, so I	16 the vice chair for civil rights, utilities, economic
17	don't -- as far as the transcript -- I'm answering the	17 developments, and arts. Do you see that?
18	question. But as far as the transcript that you have	18 A. I'm the vice chair of that, yes. Sorry. I
19	handed me and the recording that you played, no, I did	19 thought you were asking about the committee that I
16 : 31 : 01	20 not.	20 chaired, and that's why I said that it was definitely
21	Q. And that's the recording. We played the	21 not civil rights.
22	recording as well.	22 Q. You were the vice chair on this committee;
23	A. That's what I meant.	23 right?
24	Q. In the recording, nowhere do you call for a	24 A. I was the vice chair of that committee.
16 : 31 : 08	25 public hearing or anything like that; right?	25 Q. And that committee dealt with civil rights
	Page 119	Page 121
1	A. Not in the recording, no.	1 issues; right?
2	Q. And, in fact, you only called for the public	2 A. That committee dealt with civil rights;
3	hearing the day after you gave the speech where you	3 however the committee of Lorena González dealt with
4	said Che Taylor Che Taylor was brutally murdered by	4 the police department.
16 : 31 : 24	5 the police; right?	16 : 34 : 20 5 Q. You could have asked for a hearing or you
6	A. Which speech are you referring to?	6 could have done that hearing in the civil rights
7	Q. February 25th. You emailed Lorena González	7 committee; right?
8	and called for a public hearing -- you requested a	8 A. I'm not sure. What do you mean? I'm vice
9	public hearing with Lorena González on February 26th,	9 chair. I don't decide what -- no, just to clarify,
16 : 31 : 40	10 the day after you had been at that rally; right?	10 you are not actually right. I cannot do that.
11	ATTORNEY IGLITZIN: You mean 2016?	11 Q. Got it.
12	ATTORNEY SINGLA: 2016.	12 A. Per council rules, I cannot. I can only do
13	A. I did send an email asking for a public	13 things in my committee, the committee that I chair.
14	hearing.	14 Q. Got it. You would agree with me your speech
16 : 31 : 51	15 Q. And if you want to take a look at Exhibit-8.	16 : 34 : 50 15 dealt with civil rights issues; correct?
16	I believe it's the last page. On February 26th, when	16 A. I would not only say it's civil rights. It's
17	you emailed Lorena González and Chief O'Toole, and you	17 also police accountability, it's racism, economic
18	asked Lorena González, Councilmember González at the	18 inequality. All of it is wrapped up in it.
19	time, for a public hearing; correct?	19 Q. I fully agree with you. But racism, as a
16 : 32 : 26	20 A. That's correct.	20 civil rights lawyer, I know racism and systemic racism
21	Q. So that was one day after the rally; right?	21 is a civil rights issue; right?
22	A. That's correct.	22 A. It's at least partially a civil rights issue.
23	Q. Now, my question is: At that time I looked	23 Q. So nothing prevented you from also emailing
24	at what committees you were on, and I believe you were	24 the chair of the committee where you were vice chair
16 : 32 : 36	25 the vice chair of energy, civil rights, and	25 and asking for a public hearing in that committee;

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16:35:52	<p>1 right? 2 A. Again, your question implies that somehow I 3 emailed -- that I should have emailed Lisa Herbold, 4 who was chairing the civil rights committee, as 5 opposed to Lorena González, who was chairing the 6 police department -- chaired the committee that 7 oversees the police department. And in general, I 8 could have emailed the council president. I mean, 9 there's lots of emails that I could have sent.</p> <p>16:36:06 10 It's very clear from -- it was very clear 11 to me from the rally, and from, as I said, it was not 12 an isolated incident. This was a long series of 13 incidents that showed a lack of accountability from 14 the police department. It was, very specifically the 15 anger was against the police department. And so I 16 think it is fairly obvious why I emailed the council 17 member who chaired the police department overview. 18 Q. I'm going to caution you not to read into my 19 questions. My question is a very simple question, and 20 I think you answered, no, you did not email Lisa 21 Herbold to ask for a hearing in the civil rights 22 committee; right? 23 A. That's my part of my answer, but I do not 24 accept that your questions do not have implications. 25 Of course your questions have implications, and I</p>	<p>1 A. As I said before about this period, it's been 2 so many years, it would be hard for me to say I 3 remember, exactly. But just going by the way my 4 office approaches political issues, I'm sure we were 5 talking to community members about -- not just about 6 that one incident, but about the pattern of police 7 brutality and the need for accountability and the need 8 for elected community oversight, and you know, things 9 like that.</p> <p>16:46:32 10 But I could not -- it's been so long, that 11 I could not tell you how much or whom, but I'm just 12 giving you a general sense of what we might have done. 13 Q. Let me ask this: Between February 2016 and 14 February of 2017, did you contact Kathleen O'Toole, 15 the chief at that time, to ask about what happened at 16 the Che Taylor incident?</p> <p>17 A. I don't remember if I did or not, but it is 18 very possible that we did, because we do ask -- my 19 office does send queries of that kind, where we ask 20 what happened about this or that. But I could not 21 tell whether we did or not in this incident. 22 Q. If your office sends queries of this kind 23 about what happens -- 24 A. If your officer? 25 Q. Office. If your office sends queries of this</p>
16:36:24		
16:36:43		
16:36:55		
	Page 123	Page 125
16:37:10	<p>1 will -- I do consider it important in this, in this 2 proceeding, that I identify what I believe is your 3 implication and then respond to that in the process of 4 responding to your question, and explaining why it was 5 crucial for my office to email the council member who 6 chaired the committee that oversaw the police 7 department.</p> <p>8 Q. Okay. Did you, between February 21st, after 9 the incident and before the rally, contact then 10 prosecutor Dan Satterberg to ask for charges to be 11 filed against the officers, based upon what you saw in 12 the video?</p> <p>13 A. I don't believe I did. But I also, I could 14 not tell you for sure, because it's been a long time. 15 Is it okay if I get some water?</p> <p>16 Q. Sure. There's water right there.</p> <p>17 ATTORNEY IGLTZIN: Can we take a personal 18 privilege, I need a quick break.</p> <p>19 ATTORNEY SINGLA: Yeah.</p> <p>16:41:30 20 (Recess.)</p> <p>21 Q. So we're going to move from February 25th of 22 2016 to February of 2017. We're going to talk about 23 that one-year period next. What did you do within 24 that one-year period to further inquire about what 25 happened at the Che Taylor incident?</p>	<p>1 type about what happened in a particular incident, 2 what didn't happen --</p> <p>3 A. No, I didn't mean that. I meant, what did 4 you do to investigate it, or that's what I meant. Or, 5 you know, we often will -- and this is something, goes 6 to something we were talking about earlier. If the -- 7 if there had been a council discussion, especially 8 during the budget, about, you know, that they have to 9 do a certain task and there's a certain budget 10 allocated to that, just inquiring whether that was 11 done or not, I meant in that way.</p> <p>12 Q. Did your office send any inquiry between 13 February 21st, 2016 and before the rally to the chief 14 or her command staff, asking about any particulars 15 about what happened with the Che Taylor incident?</p> <p>16 A. When you say "rally," you are referring to 17 the 2017 rally?</p> <p>18 Q. 2016 rally.</p> <p>19 A. Sorry. So you are asking what I did before 20 the rally?</p> <p>21 Q. Let me reframe it. Che Taylor died on 22 February 21st of 2016. You attended --</p> <p>23 A. Oh, I see what you are saying.</p> <p>24 Q. -- the rally on February 25th of 2016. 25 Before you attended the rally and after Che Taylor</p>

32 (Pages 122 to 125)

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1	died, did your office send any queries, inquiries to	1 depends on what the particular elected official
2	the chief of police or command staff to get an	2 considers honest engagement. And whether or not a
3	understanding or get an idea of what happened at the	3 particular elected official considers honest
4	incident?	4 engagement or not depends on their politics.
16:49:19	A. I think you asked this question before, and	16:52:15 So there are many elected officials -- and
5	so I would just give you the -- share with you the	6 this is the problem, actually, because American
6	response that I had given to you earlier, which is	7 politics is full of politicians who don't actually use
7	that I don't remember exact --	8 their elected office to fight to hold the police
8		9 accountability. And when I say "fight," I mean
9	Q. Okay.	10 politically fight, politically build a movement, and
16:49:34	A. No, that's not the end of the response.	11 that sort of thing.
10	I don't remember whether I did or not.	12 So I could not speak for other elected
11	However, as I said, I also added that I don't believe	13 officials, whether or not they think that the police
12	that calling the police chief will give me -- will	14 are engaging -- the police department leadership is
13	illuminate the issue or enlighten me in a way that	15 engaging in honest -- I mean, whatever term I used,
14	needs to be, in the sense that Che Taylor's death was	16 honest engagement or not, are basically engaged in
15	far from isolated. This was part of a pattern of the	17 discussing honestly or showing accountability. You
16	police department, and this was -- you know, and this	18 know, you can use different phrases to mean the same
17	whole pattern of excessive use of force had been	19 thing.
18	documented, because other people had been talking	
19		16:52:57 But my point is that, whether or not you
16:50:10	about it for years before I ever got on the city	20 think that depends on your politics. Like Gregg
20	council.	21 MacDonald, the constituent who wrote to us, he has a
21	Q. But you said that your office does regularly	22 different political view of society, and so his view
22	send inquiries to the police department?	23 of the police is different.
23	A. I didn't say "regularly." And in fact, I did	16:53:12 Similarly, I would presume that most, if
24	not say police department at all. I said that we do	
16:50:26		
25		
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1	sometimes send emails to departments, but I did not	1 not all, of the elected officials, other than me,
2	actually say police department, because in accordance	2 probably have a different view on that. We've had
3	with what I had said earlier -- and I can't remember	3 many of those debates publicly. So there's no --
4	when, because it's been several hours -- but I did say	4 nothing that I'm telling you is new or a mystery or
16:50:46	that the police department actually is not like other	5 hidden or anything like that. It's very clear that my
5	departments. Yes, as you said, formally it is part of	6 office has had a very unique track record on demanding
6	the City of Seattle departments. However, the police,	7 police accountability. So the views of other elected
7	you know, there is such a, such a striking track	8 officials are going to depend on their politics.
8	record of unaccountability, that you couldn't put	9 Q. So it's your position for your office, that
9	other departments in the same kind of description.	10 you don't necessarily think engaging with the police
16:51:07	And so actually, if you look at the work	11 department is fruitful, because, according to your
10	that our office does, we don't actually send that -- I	12 office, there's a lack of honest engagement?
11	mean, I'm sure we have sent email inquiries to the	13 A. As I said, it is true that we have engaged
12	police department. I'm not saying we haven't. I'm	14 with them, but overall, what is my opinion about the
13	just saying we don't have an expectation of any honest	15 police department? Yes, there is a systematic
14	engagement from the police department, precisely	16 problem, not just with the Seattle Police Department,
15	because there is an entrenched culture and practice of	17 but with police departments nationally. There's
16	lack of accountability.	18 nothing unique in that sense about the Seattle Police
17	Q. Do you think that honest engagement -- your	19 Department.
18	words are not mine, your words of honest engagement.	16:54:19 Q. Between February 2016 and February of 2017,
19	Do you believe that the lack of honest engagement is	20 did you review any of the statements by the officers
20	only with your office, or is it with the entire	21 or witnesses involved in the Che Taylor incident?
21	council?	22 A. Again, as I said before, it's been so long, I
22	A. I think whether or not there would be --	23 don't remember if I did or not.
23	whether or not there would be honest engagement	24 Q. Did you call Dan Satterberg, the King County
16:51:42		
24		
16:51:58		
25		

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1	prosecutor at the time, and ask for criminal charges	1	A. I don't know if I knew that specifically or
2	to be filed against the officers who were involved in	2	not, but I accept that that's true, if you are saying
3	the Che Taylor incident between February 2016 and	3	it.
4	2017?	4	Q. Do you know that an inquest hearing is open
16:54:56	5 A. I believe you asked me a similar question	16:57:33	5 to the public?
6	before, and --	6	A. I'm not sure if I knew that or not.
7	Q. That one was for just the four days --	7	Q. Do you know not only that an inquest hearing
8	A. Yes.	8	is open to the public, but evidence is presented under
9	Q. -- between February 21st and the 25th. Now	9	oath under the penalty of perjury, the exact same way
16:55:05	10 I'm asking from the 25th until February of 2017,	16:57:47	10 that you are testifying here today, where witnesses
11	11 within that time period, did you contact the then King	11	are asked questions and they are required to answer
12	12 County prosecutor, Dan Satterberg, and ask him to file	12	them truthfully?
13	13 charges against the two officers involved in the Che	13	A. Again, I don't know -- I didn't know
14	14 Taylor shooting?	14	specifically the way you are stating is what happens
16:55:23	15 A. Again, it's been so long, I don't remember	16:58:00	15 in the inquest, but I assume something along those
16	16 exactly if I did or not.	16	lines happens.
17	Q. Okay. Did you attend the inquest hearing	17	But I would also say that there have
18	that occurred in February of 2017?	18	been -- just in the case of the police departments
19	A. I did not.	19	across the nation, the reason that there is a
16:55:36	20 Q. Did you have any of your staff members attend	16:58:17	20 systematic use of violence and excessive use of force
21	21 the inquest hearing?	21	against just ordinary citizens, as I said, is not
22	A. I cannot remember if I did or not.	22	because those legal procedures, like the inquest, for
23	Q. Do you know what an inquest hearing is?	23	example, are not happening, but because that whole
24	A. I have a very layperson's idea of what that	24	system is not delivering justice to ordinary people.
16:55:54	25 might be.	16:58:41	25 Q. That wasn't my question. My question just
	Page 131		Page 133
1	Q. Did you do any research to understand what an	1	was --
2	inquest hearing is?	2	A. I was answering. I know that was not your
3	A. Again, this is one of the questions where	3	direct question --
4	there's an implication behind the question, so I'm	4	Q. Yep.
16:56:07	5 going to answer the question, but I'm also going to	16:58:49	5 A. -- but I'm also not stupid. I know what the
6	say that I don't like the implication.	6	6 implication of your question is. There's a series of
7	Q. Well, I'll withdraw the question. Let me ask	7	7 questions that shows that you are talking about --
8	8 the question. What is your understanding of an	8	8 It has nothing to do with my counsel. I'm
9	9 inquest hearing?	9	9 responding to your questions.
16:56:16	10 A. My understanding is that there is an initial	16:59:06	10 Q. No, go ahead.
11	11 assessment of a given incident, and some initial legal	11	11 A. I've answered all your questions factually,
12	12 assessments are put forward about what that might be.	12	12 but I'm also adding to those factual responses by
13	13 Q. Do you know that a judge from a district	13	13 saying that I'm not, I'm not surprised that an inquest
14	14 court, an elected judge from a district court presides	14	14 happened. But I am also very much not surprised if
16:56:55	15 over an inquest hearing?	16:59:25	15 that particular inquest, like many other inquests in
16	A. I don't know if I knew it for a fact, because	16	16 the cases of killings at the hands of the police, did
17	I'm not a lawyer, but I'm also not surprised to hear	17	17 not deliver any kind of justice to the people
18	18 that you say that. I accept that you are saying that.	18	18 involved.
19	Q. You don't need to be a lawyer to do this.	19	Q. Right. And you had said that one of the
16:57:06	20 You can go on a website and anybody can see it. So	16:59:37	20 things that you wanted as part of your process was an
21	21 I'm going to ask you a series of these questions.	21	21 independent investigation, where there would be an
22	22 Did you know that an inquest hearing also	22	22 independent group of people who would hear evidence in
23	23 involves a jury from the community who reviews	23	23 a public forum and the findings would be publicly
24	24 evidence that is presented to them to answer	24	24 available. An inquest hearing is an independent group
16:57:21	25 questions?	17:00:06	25 of jurors, similar to jurors that would be trying a

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17:00:24	<p>1 criminal case or a civil case, sitting with a judge in 2 a public process, hearing evidence under oath. Is 3 that a sufficient independent process for you?</p> <p>4 A. Well, I would say that anybody who thinks 5 that the current state of affairs in terms of the 6 criminal justice system in the United States, that 7 offers any actual public hearing or just 8 investigations, is completely out of touch with the 9 facts.</p>	<p>1 question.</p> <p>2 ATTORNEY IGLITZIN: That's fine.</p> <p>3 Q. I'm going to ask the question. It's not in 4 the criminal justice system. An inquest hearing is a 5 civil proceeding very similar to the civil proceeding 6 that's going to happen in this case; where if this 7 case goes to trial, this will be a civil proceeding in 8 front of a judge with a jury that's going to answer 9 questions.</p>
17:00:38	<p>10 I mean, regardless of your opinion, the 11 facts are that the vast majority of people who get 12 ensnared in the criminal justice system do not -- are 13 not getting justice by the system. And so I do not 14 believe that the -- I mean, I'm not talking just this 15 particular case. I do not believe that any 16 procedures, including inquest -- I'm not just saying 17 inquest -- in the broken criminal justice system in 18 the United States necessarily delivers justice. It 19 may or may not in a given situation. But if you look 20 at statistically, then, no, statistically speaking, 21 part of the racism in the United States, part of the 22 anti-poor society, anti-working class society that we 23 have here, is that working class people, poor people, 24 and people of color actually get very little justice 25 inside the criminal justice system.</p>	<p>17:02:45</p> <p>17:03:01</p> <p>17:03:15</p> <p>17:03:30</p> <p>17:03:47</p> <p>10 Is it your position that civil proceeding, 11 like an inquest hearing or here, is somehow unfair?</p> <p>12 ATTORNEY IGLITZIN: I'm going to object to 13 the form of the question, and it makes assertions that 14 are not in evidence or not actually factually correct.</p> <p>15 You can go ahead and answer.</p> <p>16 A. Well, when I said "criminal justice system" 17 in response to your question about the inquest, I was 18 not talking about the specific legal nature of 19 inquest, which I did not even know until you told me, 20 because I'm not a lawyer.</p> <p>21 But my answer was about the general idea 22 of whether people can get justice in the criminal 23 justice system. Only a person who is completely 24 dishonest or out of touch with reality would say that 25 that's true for the most part in the United States,</p>
17:01:01		
17:01:17		
17:01:36		
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17:01:50	<p>1 So when I talk about public hearings and 2 independent investigations, I'm not talking about 3 inquests from within the criminal justice system. And 4 furthermore, the public hearings that I'm talking 5 about is where ordinary people can come in big numbers 6 and talk about how unjust this was.</p> <p>7 So again, from a layperson's standpoint 8 that there should be accountability, there should be 9 an elected community oversight board. All of that.</p> <p>10 But none of that process, none of the politically 11 important progress that needs to be made can be made 12 inside the narrow confines of the criminal justice. 13 So when you ask me about the inquest, no, I don't 14 believe that that's enough.</p> <p>15 Q. So I'll tell you that an inquest hearing is 16 not part of the criminal justice system. It's not a 17 criminal proceeding at all. It's a civil proceeding. 18 It's completely outside of the criminal justice 19 system.</p> <p>20 A. But to be clear, I am not speaking --</p>	<p>1 because it's not. Because if that had been true, you 2 would not have had the George Floyd movement, which 3 was the largest protest movement in U.S. history.</p> <p>4 Q. So let's go through Exhibit-7. Let's go 5 through what an independent jury of eight people in a 6 civil proceeding presided over by a judge hearing 7 evidence in public about Che Taylor, what that jury 8 found. I'm going to ask you whether or not you will 9 accept what the jury's finding are in a civil 10 proceeding -- not criminal proceeding, in a civil 11 proceeding -- open to the public with an impartial 12 judge and impartial jury.</p> <p>13 ATTORNEY IGLITZIN: I'm going to object to 14 the form of the question and the embedded assumptions.</p> <p>15 ATTORNEY SINGLA: Okay. That's fine.</p> <p>16 Q. So do you accept that eight people found yes 17 to the answer that, on the afternoon of February 21st, 18 2016, police officers Scott Miller and Michael 19 Spaulding conducting surveillance on apartment 3 at 20 the complex located at 2024 Northeast, Seattle, 21 Washington? Do you accept that eight people said yes 22 to that question?</p> <p>23 A. Well, again, your question was not just this 24 question, but also the preface you used, so I'm going 25 to respond to your question and the preface. Because</p>
17:02:06		
17:02:21		
17:02:35		
17:02:37		

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1	you said the preface, so I'm going to respond to it.	1 complaint -- let me now finish.
2	Of course I am reading the same document	2 ATTORNEY SINGLA: That's fine.
3	that you are reading, so obviously yes, what you just	3 ATTORNEY IGLITZIN: It's got nothing to do
4	read is what's written, so of course, that's, you	4 with the allegations that your clients brought in this
17:05:21 5	know, that's a matter of fact.	5 case against Councilmember Sawant. So her
6	However, you framed this as if to imply,	6 philosophical opinions about the -- I've given you
7	and you've done that again and again, as if to imply,	7 what I think is five, six hours of tremendous leeway
8	that if the inquest was done, which as you are just --	8 to explore things that are not legally relevant, but,
9	I did not even know this, but as you are informing me,	9 yeah, I'm not going to get into that. There is a
17:05:36 10	is not technically part of the criminal, but it's	10 point where you have to go, Councilmember Sawant is an
11	civil, that all may be true. I'm not challenging	11 elected public official. This is a publicly
12	those facts that you've stated.	12 available -- you know, there's no protective order for
13	But I do not accept your premise that	13 this deposition, so I'm just going to draw the line
14	because that inquest was done and because eight people	14 there.
17:05:49 15	reached this conclusion that justice was delivered,	17:08:06 15 ATTORNEY SINGLA: Well, first of all,
16	because obviously not. Obviously not. If this were	16 about three hours with the breaks. Secondly, she's
17	true, then there would be no question of police	17 not even accepting the premise that the jury can make
18	accountability, I mean, because everybody would agree,	18 a finding in an inquest hearing.
19	whether or not you agreed on a given case, overall,	19 ATTORNEY IGLITZIN: You can ask her -- I
17:06:06 20	that the police were being held accountable.	20 didn't object to you --
21	But that is simply not true. I mean, the	21 ATTORNEY SINGLA: Hold on a second.
22	premise you are setting up is so stunningly	22 I've got to wonder if she's going to
23	contradictory to just the overwhelming mass of facts,	23 accept the premise that a judge or a jury in this
24	that it is hard to just answer your part of the	24 case, in a civil proceeding will make that finding.
17:06:22 25	question without answering the premise. Your premise	ATTORNEY IGLITZIN: And you can wonder,
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1	is completely at odds with overwhelming reality.	1 but it's got nothing to do with the allegations in
2	But if you are asking just of this	2 this suit.
3	question, yeah, I'm reading the same document that you	3 ATTORNEY SINGLA: You can ask for a
4	are reading, and yes, that's true.	4 protective order.
17:06:33 5	Q. Let me set aside -- let me put another	17:08:30 5 Q. Let me ask you the question on page 3. I'm
6	premise. If you are found liable for defamation in a	6 going to ask you the question on page 3, question 11.
7	federal proceeding in a jury trial, will you accept	7 Well, before I ask this question, let me back up.
8	the premise that you were found liable?	8 This inquest, the results of this inquest
9	ATTORNEY IGLITZIN: I'm going to object to	9 hearing -- and if you look at the last page -- were
17:06:48 10	that question. I think it's oppressive and	10 read on February 10th of 2017. Do you see that?
11	inappropriate, and if you want, I'll move for a	11 A. Yes.
12	protective order on this.	12 Q. Did you, did you understand or did you know
13	ATTORNEY SINGLA: You can. I want to hear	13 that this inquest hearing had these results as of
14	the answer.	14 2017?
17:07:03 15	ATTORNEY IGLITZIN: No, I'm going to	17:09:21 15 A. I believe I answered a similar question
16	direct her not to answer.	16 before. I don't think I knew about it, but I
17	Q. Will you accept the premise of what a judge	17 also don't -- it's been so long, I don't remember.
18	or a jury may have as a finding in this case, whether	18 Q. Let me give you this --
19	it's against you or in your favor?	19 A. I would be inclined to say that I --
17:07:17 20	ATTORNEY IGLITZIN: Same objection. It's	20 actually, yeah, I should not venture because of my
21	not a proper question. We go to a judge. We go to a	21 memory here is, I couldn't be confident.
22	jury. We get appeals.	22 (Exhibit-14 marked.)
23	ATTORNEY SINGLA: Sure.	23 Q. Just to kind of give you a context, this
24	ATTORNEY IGLITZIN: It's got nothing to do	24 is -- it's kind of printing out weird, but it starts
17:07:26 25	with the facts of this case and the allegations in the	25 on page 4 of 11. This is the KUOW article about the

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1	inquest hearing as of 2017, where it says that the	1 to agree with the premise. I'm just asking her to
2	jury finds Che Taylor posed a threat to Seattle	2 recognize that eight jurors answered this question
3	Police. Do you see that?	3 yes. That's all I'm asking.
4	A. Sorry. Which page are you saying?	4 ATTORNEY IGLITZIN: If you know the
17:10:33 5	Q. Page 4 of 11. See right here.	17:13:03 5 answer, you can answer it.
6	A. Sorry. I do see it.	6 A. I do have an answer. Again, this is the --
7	Q. This was part -- I mean, it wasn't as if this	7 it's a fact that this inquest happened. It's a fact
8	was in hiding. I mean, do you remember seeing news	8 that the jurors decided this. So insofar as you are
9	articles like this? And it was publicized pretty	9 asking me, do you agree that this happened, of course
17:11:13 10	widely, the results of the inquest hearing.	17:13:25 10 I agree.
11	A. Like I said, I don't remember, it's been so	11 But again, your question is not an
12	long.	12 innocuous one. It is, again, based on the premise
13	Q. Then I'm going to take you back to the	13 that somehow because that inquest happened and because
14	inquest hearing itself. At the very least, will you	14 eight jurors decided this, that this was the final
17:11:26 15	agree that eight jurors answered questions yes when	17:13:40 15 word on the justice or injustice in the case of Che
16	asked the question, "Did Officer Scott Miller inform	16 Taylor's killing.
17	Officer Spaulding, that he saw Che Taylor carrying a	17 And my response is to the implied premise,
18	holstered handgun on his right hip?"	18 which you are not stating, but it's obviously there,
19	ATTORNEY IGLITZIN: I'm going to direct	19 is that if that were -- if that were the bar where we
17:11:43 20	you to only agree to things you actually know. Don't	17:13:58 20 had to draw, where if some sort of proceeding happened
21	agree just because counsel handed you a piece of paper	21 in the criminal justice system, that somehow that
22	and it says something.	22 should be the last word on -- or somehow that should
23	ATTORNEY SINGLA: Well, why don't you	23 imply justice was done, well, that's completely, as I
24	object to the form of the question, rather than --	24 said before, completely contrary to the overwhelming
17:11:53 25	ATTORNEY IGLITZIN: Fair enough. Object	reality across the nation, including Seattle, about
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1	to the form of the question.	1 whether or not people get justice in the police
2	ATTORNEY SINGLA: Thank you. That was a	2 department -- after actions by the police department,
3	little bit more of a coaching than --	3 because they don't. For the most part, they don't.
4	ATTORNEY IGLITZIN: I think it was an	4 That is why you have had mass movements.
17:11:58 5	appropriate instruction to the witness.	17:14:36 5 That is why you have had the, the emergence of the
6	Q. So I will give you the premise that this is	6 Black Lives Matter movement, and that is why you have
7	what the jury found in answering the interrogatories,	7 study after study, including, you know, Michelle
8	and you can look at that, because the first page says,	8 Alexander's, The New Jim Crow, where people have
9	"Final Interrogatories to the Inquest Jury."	9 documented how it's actually deeply unjust.
17:12:13 10	So the jury was given these	17:14:57 10 If you are just asking as a fact, did this
11	interrogatories, and there were eight jurors. Eight	11 inquest happen, do you agree this inquest happened, of
12	jurors were asked to answer yes or no or unknown	12 course I agree this inquest happened. Do you agree
13	question. And would you agree that on this inquest	13 that these eight people reached a decision? Of course
14	hearing, eight jurors answered, yes, that Scott Miller	14 they did. So I'm not in the business of denying
17:12:30 15	told Michael Spaulding, both officers, that Che Taylor	17:15:11 15 reality. I'm not in an alternate universe.
16	was carrying a holstered handgun?	16 However, I also don't think you can take
17	ATTORNEY IGLITZIN: Can I ask you to	17 these questions sort of just as isolated. They don't
18	clarify the question in one regard?	18 exist on a planet by themselves. This is a part of
19	ATTORNEY SINGLA: Yes.	19 the overall political and social situation that is
17:12:39 20	ATTORNEY IGLITZIN: As I understood the	20 related to racism and the lack of police
21	question, you are representing to Councilmember Sawant	21 accountability.
22	that this is what the inquest injury answered, and you	22 Q. You don't have the authority to file charges
23	are asking her now if she agrees with that, assuming	23 against the officers who are involved in the Che
24	the premise is accurate?	24 Taylor incident; right?
17:12:52 25	ATTORNEY SINGLA: No. I'm not asking her	17:15:42 25 A. I do not.

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1	Q. The King County prosecutor's office has that	1 A. It's fine to accept without having to go
2	authority; right?	2 through all that.
3	A. Legally, that's the legal -- that's the legal	3 Q. I'm going to direct your attention to the
4	entity that has the authority to do that.	4 page where 471 at the bottom. I'm going to start on
17:15:54	5 Q. Right. And after the inquest hearing, Dan	17:22:41 5 line 23, where you said, "I join the NAACP in
6	Satterberg did not file charges against the two	6 demanding such a transparent public hearing." And
7	officers, Officer Spaulding and Officer Miller, for	7 then you say, "When Che Taylor was murdered by the
8	the Che Taylor incident; correct?	8 police, the community and I demanded such a hearing
9	A. Yes, that's correct.	9 from the Mayor and from Councilmember González, whose
17:16:11	10 Q. To this day, no charges for murder, for	10 committee overseas the SPD, but neither the Mayor nor
11	homicide, for assault, murder in the second degree, or	11 Councilmember Lorena González responded." Did I read
12	any criminal charges whatsoever have been filed by any	12 that correctly?
13	law enforcement agency against Officer Miller or	13 A. Yes.
14	Officer Spaulding because of the Che Taylor incident;	14 Q. And when you were saying the word "murdered"
17:16:32	15 isn't that correct?	15 on line 25, is that the definition that you were using
16	A. It is unfortunately true, that virtually no	16 that you have put into your declaration, "a wrongful
17	incidents of unjust killings at the hands of the	17 killing that should be considered criminal"?
18	police have been delivered justice. Che Taylor's is	18 A. Yes. When I used that term, it was exactly
19	one of them. As I said, that is why, as I said in my	19 the same as what I have used before in Che Taylor's
17:16:49	20 statement, that as a layperson, I believe that this	20 speech a year ago, which is basically as a layperson,
21	was murder, because it was completely unjust and just	21 not in a legal sense, but to describe something that
22	outrageous, and that it should -- that it should be	22 was completely unacceptable and unjust and that should
23	considered criminal.	23 be considered criminal.
24	Q. Not talking about all the other incidents.	24 Q. And isn't it true, that as of June 20th of
17:17:07	25 Just talking about the Che Taylor incident. Just help	25 2017, no criminal charges were pending against anybody
	Page 147	Page 149
1	me focus on just the Che Taylor incident.	1 for the killing of Che Taylor?
2	To this date, in the Che Taylor incident,	2 A. It is true that what you are saying is
3	no charges, criminal charges have been filed against	3 factually accurate. But at the same time, it also
4	the officers, Officer Miller and Officer Spaulding,	4 represents one in many, many incidents which add up to
17:17:24	5 because of that incident; correct?	5 a pattern of a lack of police accountability. And
6	A. It is factually true that no charges have	6 clearly when people were gathered for the rally in
7	been filed. I am explaining that it is part of the	7 memory of Charleena Lyles, it was clear that Charleena
8	overall and widespread and entrenched lack of	8 Lyles's loss of life, Che Taylor's loss of life, these
9	accountability in the police department, because Che	9 were not isolated incidents. They were both part of
17:17:43	10 Taylor's killing was far from isolated. It is part of	10 many, many incidents that were -- that indicate just a
11	a pattern of excessive use of force.	11 systematic lack of accountability.
12	Q. I'm going to hand you --	12 Q. And isn't it true, at the time that you gave
13	(Exhibit-15 marked.)	13 this particular speech in June of 2017, an inquest
14	Q. So this is the speech that you gave on	14 jury had found that Che Taylor posed a threat to the
17:18:23	15 February 20th of 2017, approximately four months after	15 officers in that incident?
16	the inquest hearing had concluded, and that's a	16 A. Again, as I said before, it's factually
17	transcript of that speech. Please go ahead and take a	17 accurate, but what it also represents is a deep and
18	chance to review it.	18 systematic injustice where the police departments have
19	A. (Witness complied.)	19 not been held accountable.
17:20:38	20 Q. This is a transcript we got from the	20 ATTORNEY IGLITZIN: After the fact, I want
21	recording. We can go through the same exercise.	21 to object to the form of that question.
22	We're a little short in time.	22 Q. And between February of 2017, when the
23	A. That's fine.	23 results of the inquest hearing were made -- well, they
24	Q. Would it be fair to accept that this is what	24 were public all along, but they were publicized in the
17:22:22	25 you said in your speech on June of 2017?	25 news media, and this speech that you gave in June of

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1	2017, in those four months, did you contact Dan	1	And I don't accept the premise underlying
2	Satterberg to ask him to file charges against the	2	your question, that somehow because we didn't do that
3	officers?	3	one specific thing, that invalidates all the work we
4	A. I don't remember if I did or not.	4	have done. I don't accept that. I'm not clear why
17:26:01	5 Q. Did you hold a rally in front of Dan	17:28:32	5 you would just think about King County prosecutor.
6	Satterberg's office asking for the officers to be	6	Q. That wasn't --
7	charged criminally, in those four months?	7	A. And to be clear, I also don't accept that you
8	A. I did not, but I also don't accept, again,	8	can pretend that there was no implication. Of course
9	the implication in your question that somehow if I	9	there's implication. You are the opposing counsel, so
17:26:19	10 genuinely believed something should have been done, I	17:28:50	of course there's implication. So let's be honest
11	should have held a rally outside the office of Dan	10	about that. Let's not be coy.
12	Satterberg. Actually, that's not a bad idea, now that	11	But the fact is, that the George Floyd
13	you are saying.	12	movement, as I said, was the largest street protest
14	Q. Well, Dan is not there anymore.	13	movement in U.S. history, and in Seattle hundreds of
17:26:31	15 A. No, I meant King County. It's not about Dan	14	thousands of people came out. So those rallies are
16	Satterberg. It's about the King County prosecutor's	15	now countless and they happened in many different
17	office.	16	locations. So I don't agree that any one location
18	And so I actually don't disagree with you,	17	should be picked on just because it serves, you know,
19	that it might be a good idea to have a rally outside	18	convenience, you know, whatever purpose in this case.
17:26:43	20 the prosecutor's office. But I also don't accept the	17:29:00	17:29:17 I'm just saying, I'm responding as an elected
21	underlying premise of your question, that somehow if	15	representative. I'm not a lawyer. I'm not here to
22	an elected representative genuinely believed what I	16	play games. I'm telling you what I genuinely believe.
23	believe, then you would have done that rally. We have	17	Q. Ma'am, that wasn't the premise of my question
24	done -- my office has hosted a number of rallies. My	18	at all.
17:27:02	25 office has joined a number of rallies and protest	19	A. I think that it was.
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1	marches that other community leaders have called, you	1	ATTORNEY SINGLA: Dmitri, I'm going to
2	know, that I have attended or spoken at them. And so	2	instruct your client to just answer my question.
3	my record in my nearly ten years on the city council	3	ATTORNEY IGLITZIN: And I was going to ask
4	is very clear on where I stand as to police	4	you to ask the next question.
17:27:20	5 accountability.	17:29:40	5 Q. My question is: I'm not talking about George
6	Q. Not my question at all. My question was yes	6	Floyd and the George Floyd protest, because they
7	or no: Within those four months, you didn't hold a	7	happened in 2019 and forward. I'm talking about 2016
8	rally in front of the King County prosecutor's office	8	and 2017.
9	calling for charges for Che Taylor's killing; right?	9	ATTORNEY IGLITZIN: I think she answered
17:27:34	10 A. I'm answering your question. I said I	17:29:51	10 your question, that she did not --
11	didn't, but I also don't agree with the premise that	11	ATTORNEY SINGLA: No, she didn't.
12	is underlying your question.	12	ATTORNEY IGLITZIN: -- her organization did
13	Q. And between February of 2016, February 21st	13	not do -- she answered it, and then she elaborated on
14	when Che Taylor died all the way to present, you	14	her answer.
17:27:48	15 haven't held any type of a rally in front of the King	17:29:58	15 ATTORNEY SINGLA: No, no. In the second
16	County prosecutor's office calling for criminal	16	part of the question. She never answered the
17	charges to be filed on the Che Taylor's killing	17	question, she just went directly into what her point
18	incident?	18	was --
19	A. As I said, my office and my organization,	19	20 A. What was the question?
17:28:02	20 Socialist Alternative, together we have hosted a	17:30:04	Q. My question was: From 2016 all the way to
21	number of rallies. We have ourselves called for a	21	now, you have not had any type of a protest in front
22	number of rallies. We have joined other organizations	22	23 of the King County prosecutor's office calling for
23	in calling for rallies, and we have -- and I have	23	criminal charges for the Che Taylor incident?
24	personally spoken at or attended rallies called for by	24	A. I did answer your question.
17:28:20	25 others.	17:30:18	Q. So the answer is no, then, you have not

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1	had --	1 person in common parlance as an elected representative
2	A. Can I answer the question?	2 who believed that what happened to Che Taylor was
3	Q. Well, let me ask the question this way: Is	3 absolutely unjust and unacceptable, and should be
4	the answer to my question, no, you have not held a	4 considered -- you know, it was wrongful and should be
17:30:30 5	rally in front of the King County prosecutor's office	5 considered criminal. I was speaking in that capacity.
6	between 2016 to present asking for criminal charges to	6 So I was not -- I was not -- I did not
7	be filed for Che Taylor?	7 make it in a legal sense. And I did not choose to
8	A. I did answer the question, but I will repeat	8 file this lawsuit against me. Other people chose to.
9	my answer. We have not called for a rally outside the	9 So I did not have a crystal ball at that time.
17:30:48 10	King County prosecutor's office. But I also do not	10 So your question, again, assumes that I
11	accept the premise in your question that somehow that	11 would have known all of this would happen. Of course
12	in itself shows anything of any significance. Because	12 not. And how would I have known, first of all,
13	in reality, as I said, it's precisely because people	13 fundamentally I was not speaking in a legal sense.
14	like the family of Che Taylor did not get justice,	14 Q. I'm not talking about speaking in a legal
17:31:09 15	family of Charleena Lyles. It's precisely because	15 sense. You were speaking as an elected official;
16	this has happened over and over again that the George	16 right?
17	Floyd movement happened.	17 A. I was speaking as an elected representative,
18	Had killings like Che Taylor actually	18 and my usage of the word "murder" was based on my
19	brought police officers to justice, then you wouldn't	19 opinion of what happened and what should be considered
17:31:21 20	have seen the movement happening. And that movement	20 criminal.
21	hosted rallies throughout the city and throughout the	21 Q. My question didn't even ask anything about
22	region.	22 murder. My only question was: You were speaking as a
23	Q. I'm going to go back to before February 25th	23 Seattle city council member; correct?
24	of 2016. Between February 21 of 2016 and before you	24 A. I was speaking as a Seattle city council
17:31:38 25	went to the rally on February 25th, why didn't you	25 member, yes.
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1	think about calling any of your fellow council	1 Q. Do you understand that speaking as a Seattle
2	members?	2 council member makes you a speaking agent for the City
3	A. Which days are you talking about?	3 of Seattle?
4	Q. I'm sorry. Let me rephrase the question.	4 ATTORNEY IGLITZIN: Objection. Call for a
17:31:56 5	Right before you went down to that	5 legal conclusion. Object to the form of the question.
6	impromptu rally on February 25th -- follow me? The	6 A. I don't understand what that means.
7	rally was impromptu on February 25th; right?	7 Q. Did you contact the city attorney to ask them
8	A. Yes.	8 whether or not you speaking at a rally, as an elected
9	Q. 2016. Right before you went down there, did	9 Seattle City council member, one of nine policymakers,
17:32:06 10	you call Lorena González?	10 whether or not your statements would make you a
11	A. I don't remember if I did or not.	11 speaking agent for the City of Seattle?
12	Q. Did you think about calling Bruce Harrell?	12 ATTORNEY IGLITZIN: Objection. Calls
13	A. I can't tell you what I thought about	13 for -- well, I'm sorry. I withdraw my objection.
14	seven years ago.	14 A. Well, first of all, I don't understand. I
17:32:19 15	Q. What about Pete Holmes, who was the city	15 mean, seems to me, again, this is legalistic
16	attorney at the time?	16 terminology like "speaking agent." I don't think of
17	A. Again, as I said, I may or may not have	17 my job in those terms. Obviously we, in my office, we
18	called. I may or may not have talked to them. I	18 are not, we are not -- we don't use words -- if what
19	can't recall.	19 you are getting at is, do you just speak flippantly?
17:32:29 20	Q. And did you at any point inquire that the	20 Of course we don't speak flippantly. But nor are we
21	public statements that you would be making, would in	21 lawyers in the sense that our primary motivator of
22	any way implicate the City of Seattle in liability for	22 what words we use is based on our view of society.
23	what happened to Che Taylor?	23 And like I said many times, the reason I
24	A. Well, as I've said repeatedly now, I was not	24 used the word "murder" was not in any way to mean it
17:32:49 25	speaking in a legal sense. I was speaking as a common	25 in a legal sense, which if you did, I can see you

40 (Pages 154 to 157)

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17:35:36	<p>1 would want to look at what would be the legal 2 consequence of that.</p> <p>3 I was speaking as an elected 4 representative with my layperson's understanding of 5 what "murder" should be. And as you can see, that 6 opinion has been shared by many community members.</p> <p>7 Q. Do you understand that as an elected 8 representative, you have a higher responsibility than, 9 say, a layperson who is not an elected representative?</p>	<p>1 A. That's my interpretation of your question, 2 and that's my answer.</p> <p>3 Q. So what I'm going to say is: You understand 4 that as an elected representative, you stand for 5 elections, stood for election three times, and people 6 have voted for you, and now you sit in office as one 7 of nine council members and decision-makers. Do you 8 have a concept that that carries a responsibility, 9 say, than somebody else who is not sitting in the position of a policymaker like you are?</p>
17:35:54	<p>10 ATTORNEY IGLITZIN: Counsel, I'm going to 11 lodge an objection, if you are going to continue this 12 line. Because I can't figure out the relevance, my 13 inference this is -- let me finish. For the record, 14 my inference is that this is designed solely to elicit 15 responses that will embarrass the council member, 16 because -- here I'm channeling my client -- the 17 insinuation is that she has somehow fallen down on the 18 job of being a council member by not considering the 19 City's pecuniary interests. So to the extent that 20 that's where you are going --</p>	<p>17:38:09 10 ATTORNEY IGLITZIN: I'm going to object to the form of the question. Asked and answered.</p> <p>17:38:19 15 Q. Go ahead.</p> <p>17:38:24 15 A. Well, first of all, you said I've been voted in three times. That's not being accurate. I've been voted in four times.</p>
17:36:28	<p>21 ATTORNEY SINGLA: That's not where I'm 22 going.</p> <p>23 ATTORNEY IGLITZIN: All right.</p> <p>24 ATTORNEY SINGLA: She's been -- throughout this entire deposition, she's been saying, I was</p>	<p>17:38:34 20 And also, as far as your question is concerned, I have answered it, and I will say it again. As a socialist and as an elected representative of working people, I absolutely take my responsibility seriously of representing working people, the poor, low-income people, communities of color, marginalized and oppressed communities. And that means never selling out and boldly using your office to not only fight for justice in the case of</p>
17:36:30		
	Page 159	Page 161
17:36:44	<p>1 there. I was acting as a city council member and I 2 was speaking as a layperson.</p> <p>3 Q. And what I want to ask her, and this is 4 specifically and wholly relevant is: Do you have an 5 understanding that when you are elected by your 6 district as an elected representative, you have a 7 higher responsibility for your actions than, say, an 8 average unelected person?</p>	<p>1 police accountability, but also winning victories, 2 like the \$15 minimum wage and the Amazon tax, not to 3 mention the whole host of renter's rights that we have 4 won.</p>
17:36:59	<p>9 ATTORNEY IGLITZIN: I'm going to object to 10 the form of the question, and assumes concepts, I 11 guess, not in evidence.</p> <p>12 You can certainly go ahead and answer.</p> <p>13 A. I will answer to that point, I will answer 14 based on my understanding of what you believe -- what 15 you -- what I believe -- what did you -- "higher" 16 what? "Higher responsibility"?</p>	<p>17:39:07 5 ATTORNEY SINGLA: This case is nothing -- 6 I'm going to make a motion to strike.</p> <p>17:39:15 10 Q. This case is nothing about renter's rights, Amazon tax --</p>
17:37:11	<p>17 Q. "Higher responsibility."</p> <p>18 A. As a socialist and as an elected 19 representative of working people, I absolutely believe 20 that I have -- I'm not going to characterize it in 21 terms of higher, but I do believe that I have 22 tremendous responsibility in my -- my office has a 23 tremendous responsibility to doggedly and boldly 24 represent the interests of working people.</p>	<p>17:39:21 15 ATTORNEY IGLITZIN: You asked her about her conception of her role on the city council.</p> <p>17:39:28 20 ATTORNEY SINGLA: No, I did not.</p>
17:37:25	<p>21 ATTORNEY IGLITZIN: Well, a higher 22 authority didn't mean anything -- a higher 23 responsibility didn't mean anything, other than --</p>	<p>17:39:28 20 ATTORNEY SINGLA: I'm not going to argue with you, Dmitri.</p>
17:37:41	<p>24 Q. Not my question.</p>	<p>17:39:48 25 ATTORNEY IGLITZIN: That's fine.</p> <p>18 Q. Here's my next question for you: At any 19 point before you went down to that rally on February 25th, did you consider that you should perhaps show restraint and say, We should inquire about all the facts before we make any decisions?</p> <p>20 A. I think the idea of the way you are framing the question, you know, showing restraint and inquire all the facts, that again, would imply that somehow</p>

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17:40:10	<p>1 you weren't aware of, one, what had happened to Che 2 Taylor. You know, if I hadn't watched the video and 3 understood what had happened, then I would -- and 4 again, the same with Charleena Lyles. If I had not known the facts of how she was killed, then obviously I would say, Yes, you know, we should, we should -- you know, let's look into what happened.</p> <p>However, at that moment, it was my opinion, and, as I said, it's still my opinion, that what happened to Che Taylor was absolutely shocking and unjust. It was an execution-style killing, and that is why I used the word "murder," not in legal sense, and I still use that.</p> <p>Q. Ma'am, you only saw the video. You don't know any of the other context about what was happening; right?</p>	<p>1 Q. Let me know however many times you want to 2 see it. We'll blow up the screen. We can even slow 3 it down, if you want.</p> <p>4 (Video playing.)</p> <p>5 Q. Do you want to see it again?</p> <p>6 A. (Witness shakes head.)</p> <p>7 Q. Now we've seen the video twice. You can't 8 tell what Che Taylor is doing behind that opening car 9 door; right?</p> <p>10 A. Yes, you can. You can see him -- I mean, 11 obviously when he's down, you cannot.</p> <p>12 But the whole point is that he was, you 13 know, he was trying to comply with the police 14 officers, and it all happened in a flash, how it 15 happened in a couple of seconds. That is not, that is 16 not what should happen at the hands of the police.</p> <p>17 Q. You could not tell in that video what Che 18 Taylor was doing when he was behind that car door; 19 correct?</p>
17:40:23	<p>11 ATTORNEY IGLITZIN: Are we talking about 12 2016, 2017, or --</p> <p>13 ATTORNEY SINGLA: Now, when she said she 14 saw the video.</p> <p>15 Q. You saw the video, and you don't know any 16 context --</p> <p>17 ATTORNEY IGLITZIN: "You don't know," I'm 18 not clear. Do you mean you didn't know --</p> <p>19 Q. You didn't know, yeah --</p>	<p>17:43:00 10</p> <p>17:43:17 15</p> <p>17:43:29 20</p> <p>17:43:41 25</p>
17:40:37		<p>ATTORNEY IGLITZIN: Object to the form of the question.</p> <p>Q. Go ahead.</p> <p>A. It's very clear that he was killed in a matter of one or two seconds, and that is absolutely not acceptable. It is absolutely shocking, and it</p>
17:40:45		
	Page 163	Page 165
17:40:59	<p>1 ATTORNEY IGLITZIN: -- in 2016?</p> <p>2 Q. You didn't know in 2016 when you saw the 3 video what was happening; right?</p> <p>4 A. Again, I don't understand the meaning of the 5 question, because in the sense that the video was very 6 striking.</p> <p>7 Q. Okay.</p> <p>8 ATTORNEY SINGLA: Let's pull up the video. 9 We're going to add this as an exhibit.</p> <p>10 Q. This is the video you saw before February 11 25th, 2016; right?</p> <p>12 (Video playing.)</p> <p>13 Q. That's the video you are talking about; 14 right?</p> <p>15 A. I mean, it's been a long while, but, yes.</p> <p>16 Q. In that video, you don't know what Che Taylor 17 is doing behind that car door; right?</p> <p>18 A. I couldn't see it properly just now.</p> <p>19 Q. Let's play it again.</p> <p>20 ATTORNEY IGLITZIN: It's pretty hard on 21 that tiny screen.</p> <p>22 THE WITNESS: Yeah, it is.</p> <p>23 ATTORNEY IGLITZIN: I've seen the video 24 before.</p> <p>25 A. Yes.</p>	<p>17:43:57 5</p> <p>17:44:08 10</p> <p>17:44:21 15</p> <p>17:44:31 20</p> <p>17:44:47 25</p>
		<p>1 really does seem like an execution-style killing.</p> <p>2 Q. Not my question. My question was: You 3 cannot tell what Che Taylor was doing behind that car 4 door in that video; correct?</p> <p>5 ATTORNEY IGLITZIN: Object to the form of 6 the question.</p> <p>7 Q. Go ahead.</p> <p>8 A. I mean, it's obvious there was no time for 9 anybody to even see what he was doing. You know, it's immediately he is being shot dead.</p> <p>10 Q. The officers, on the other hand, were in 11 front of Che Taylor, and they could have told what he 12 was doing; right?</p> <p>13 A. Again --</p> <p>14 ATTORNEY IGLITZIN: Objection. Calls for 15 speculation.</p> <p>16 Q. Sorry. I'll rephrase the question.</p> <p>17 The officers, on the other hand, were in 18 front of Che Taylor; right?</p> <p>19 A. They were in front of Che Taylor, yes. But 20 again, sorry, I don't agree with the way you are 21 asking the question in the sense, yes, they were in 22 front, but whether they're speaking the truth or not, 23 I don't know. And in fact, given the long track 24 record of injustice at the hands of the police,</p>

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1	there's no reason to in any case --	1 ATTORNEY SINGLA: It's my question. You
2	Q. I'm going to show you this video --	2 can object to it.
3	ATTORNEY SINGLA: And I've stopped it,	3 Q. Have cleared the officers in the
4	Dmitri, if you want to take a look at it. I've time	4 wrongdoing --
17:45:02	5 stamped and stopped it.	17:47:27 5 ATTORNEY SINGLA: And I'm going to start
6	Q. This is a position of where the officers	6 the question again, so you can make your objection
7	were, and Che Taylor was now behind the door, behind	7 afterwards.
8	the passenger's door.	8 Q. As you sit here today, we've gone through
9	A. To be really honest, this is a very bad	9 everything -- well, not everything, but as much as
17:45:16	10 quality video. I mean, it's very hard to tell what's	10 time would apply. And you know that the inquest
11	happening. I'm trying to do my best.	11 hearing cleared the officers of wrongdoing, in the
12	Q. This is the dash cam video --	12 sense that Dan Satterberg has declined to follow up,
13	A. Yeah, I know, but on your laptop it's --	13 or the King County prosecutor's office has declined to
14	Q. Well, all I can tell you is, this is the dash	14 follow up with any criminal charges. Are you still
17:45:29	15 cam video that was released to the public between	15 saying that Che Taylor's killing was a murder, which
16	February 21st and 25th. So if you watched a video,	16 means a wrongful killing that should be considered
17	unless you had access to other dash cam videos, that	17 criminal?
18	was the video.	18 ATTORNEY IGLITZIN: I'm going to object to
19	ATTORNEY IGLITZIN: She might have had	19 the question, because it includes several assertions
17:45:43	20 access to a larger computer screen.	20 which are factually untrue.
21	ATTORNEY SINGLA: Sure.	21 But you can go ahead and answer the
22	ATTORNEY IGLITZIN: Counsel, the video	22 question.
23	speaks for itself.	23 A. Sorry. Can you ask the question again?
24	ATTORNEY SINGLA: You can make your	24 Q. I'll break it down. I'm going to break it
17:45:50	25 objection to the form.	17:48:17 25 down in parts. I'm not going to ask it for a
	Page 167	Page 169
1	Q. My question is: I've stopped the video. Che	1 response. I'm just going to break it down in parts so
2	Taylor at this point is behind the door. The one	2 you can understand what I'm saying.
3	officer is behind the car. The other officer is	3 ATTORNEY SINGLA: If it's okay with you,
4	behind the rear passenger side. And the question I	4 can you waive your objection on compound, so I can
17:46:06	5 had to you was: You can't tell, as you see a still of	5 break it down in parts?
6	this video, what Che Taylor was doing behind that car;	6 A. I think -- sorry.
7	correct?	7 Q. So this is where we are: We are where there
8	A. What I can tell is the fact that heavily	8 has been an inquest in February of 2016. A jury has
9	armed police immediately gunned down to death an	9 answered questions. A jury has found that Che Taylor
17:46:25	10 individual. That's a fact. It's a fact that Che	10 posed a threat to at least one of the officers. The
11	Taylor was killed, and I believe --	11 King County prosecutor's office has looked at the
12	I don't agree with you, because I believe	12 results of the inquest and has declined to file
13	that we cannot have a society where people are gunned	13 charges against the officers. And as you are sitting
14	down in this manner, and that is why -- and this is	14 here today, it is still your position that Che Taylor
17:46:43	15 hardly my individual opinion. You've had years of	15 was murdered, and according to your definition, which
16	mass movement around this very issue. So you know,	16 would mean a wrongful killing that should be
17	I'm on very safe ground based on statistical evidence	17 considered criminal?
18	that this was absolutely wrongful, and it should be	18 ATTORNEY IGLITZIN: Same objection as
19	considered criminal.	19 before: compound, assumes facts not in evidence.
17:47:01	20 Q. So we've sat here today -- I mean, I think	17:49:17 20 If you understand the question, you can
21	the answer, I think I got it. But we have sat here	21 answer.
22	today, and you now know and we discussed it, that the	22 A. Yeah, I will respond to the question.
23	inquest hearing and the juries in the inquest hearing	23 I've said this -- I believe I answered
24	cleared the officers of any wrongdoing. I know it's	24 this question already many times today, but I will say
17:47:21	25 your --	25 it again. I do believe now, as I did then, that what

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17:49:46	<p>1 happened in the case of Che Taylor was murder. And as 2 I said, as I spoke then and as I'm speaking now, I'm 3 speaking not as a lawyer, not as a judge, but as an 4 elected representative and as a layperson who believes 5 that that was absolutely unjust and should be 6 considered criminal.</p> <p>7 And as a matter of fact, there's nothing 8 astounding about this at all, because as I've said, it 9 is hardly an isolated case. This is -- unfortunately, 10 it's deeply tragic that what happened to Che Taylor 11 was far from the only one and is part of a long litany 12 of statistics of police accountability.</p> <p>13 Q. You used the word "believe" three times in 14 that particular response, that you believed it then, 15 you believe it now. You did not use that same word 16 "believe" in your February 2016 transcript of your 17 speech or your June 2017 speech; right? You never 18 used the word "believed it was murder"; correct?</p> <p>19 ATTORNEY IGLITZIN: Object. Compound.</p> <p>20 Asked and answered.</p> <p>21 Q. Go ahead.</p> <p>22 A. I've already answered this question many 23 times, that in the speech, I do believe that what you 24 are asking is a little bit absurd, in the sense that 25 everybody who's listening to me speak as an elected</p>	<p>1 A. Yes. 2 Q. So in that concept, I explained to you that 3 that wasn't a criminal process. That was a civil 4 process, very much similar to the civil process we're 5 going to have here in this case, if this case goes to 6 trial.</p> <p>7 And my question was, and this is what I'm 8 really wondering is: If you are not willing to accept 9 a jury in a civil process like an inquest process, 10 will you be able to accept a jury's decision in this 11 process, which is also a civil process, and merely not 12 an inquest process, but the same civil process in 13 public? People are going to testify under oath. 14 Evidence is going to be given. Will you be able to 15 accept this?</p> <p>16 ATTORNEY IGLITZIN: Object to the form of 17 the question. Assumes facts not in evidence, and 18 makes various assertions that are disputable. 19 You can go ahead and answer.</p> <p>20 A. Yes, I will answer.</p> <p>21 One, just to clarify. When I say 22 "criminal justice system," and you keep saying, This 23 is civil, this is criminal, you are speaking as a 24 lawyer. I'm speaking as a layperson, and specially as 25 a socialist, who believes a lot is wrong under the</p>
	Page 171	Page 173
17:50:00	<p>1 representative understands, whether they agree with me 2 or not, that what I'm speaking is something I believe 3 or I agree with. Not that I would be talking about 4 something that I don't actually believe but somebody 5 else believes and I'm channeling them. No. Obviously 6 what I'm talking about is what I believe.</p> <p>7 ATTORNEY SINGLA: Can we take a break?</p> <p>8 ATTORNEY IGLITZIN: Yeah. Let me ask a 9 question while we're on the break.</p> <p>10 (Recess.)</p> <p>11 ATTORNEY IGLITZIN: Counsel, give your 12 best shot here. I'm withdrawing my instruction not to 13 answer. You'll probably repeat the question, and then 14 I'll have a new objection.</p> <p>15 Q. The question was, when we were talking about 16 this, Councilmember, and we were talking about whether 17 or not you accepted the results of the jury in the 18 inquest process, do you remember when we were talking 19 about that?</p> <p>20 A. I remember.</p> <p>21 Q. And you had said that even though the jury 22 had come out with the process, you didn't believe that 23 adequately addressed the underlying issues of race and 24 social justice and police brutality, just to use that 25 word.</p>	<p>1 system of capitalism. And so when I say "criminal 2 justice system," I want just to clarify, that I'm 3 talking about the status quo as a whole, economic 4 outcomes for most people, also the legal system. 5 You know, so you may make a distinction 6 between civil and criminal, but it's still the legal 7 system. In that sense, what I'm saying still applies, 8 and I didn't mean to misspeak. I did mean what I 9 said, which is that in the legal system under 10 capitalism, I don't think that the majority of 11 ordinary people get any kind of justice, especially 12 for people of color in the context of the United 13 States. 14 And so when you say, Well, you are not 15 accepting this inquest in the first place, will you 16 accept this, just to clarify: Even in the case of the 17 inquest, it's not that I'm living on another planet 18 and I'm in denial of the facts. Of course those are 19 the facts. But politically, do I -- and in terms of 20 social justice, do I accept that it was the correct 21 thing? No, I don't. So there's a distinction between 22 the two. It's the same thing that applies for your 23 question about would you accept a decision in this 24 particular case that we're talking about. My response 25 would be similar, in the sense that would be deeply</p>

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1 unfortunate. In my view that would be just like it
 2 happened for so many people and has happened for so
 3 many people under the legal system of capitalism in
 4 the U.S., many miscarriages of justice have happened.
 17:58:46 5 So if your question is, would I accept it
 6 as matter of fact, yes, of course. I'm not going to
 7 be in denial of fact. I'm not going to live on
 8 another planet. But in that sense, yes, that would be
 9 true. But it will also be deeply unfortunate.
 17:58:59 10 And also I think a lot of the history of
 11 the legal system has shown that verdicts are
 12 overturned when they're found to have been unjust,
 13 untrue, inaccurate, and that sort of thing. So those
 14 things happen also, and it's possible that could
 17:59:17 15 happen in this case.
 16 And also the judgment of history is also,
 17 is also there, and I care deeply about that. History
 18 will decide, you know, future generations will decide
 19 whether something was just or unjust, and I will keep
 17:59:31 20 going on in terms of what I believe is correct.

Q. Okay. That's all I have.

ATTORNEY IGLTIZIN: All right.

(Deposition adjourned at 5:59 p.m.)

(Signature reserved.)

* * *

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1 C E R T I F I C A T E
 2 STATE OF WASHINGTON)
 3) ss.
 4 COUNTY OF KING)
 5 I, the undersigned Registered
 6 Professional Reporter and Washington Certified Court
 7 Reporter, hereby certify that the foregoing deposition
 8 upon oral examination of KSHAMA IYENGAR SAWANT was
 9 taken before me on January 12, 2023 and transcribed
 10 under my direction;
 11 That the witness was duly sworn by me
 12 pursuant to RCW 5.28.010 to testify truthfully; that
 13 the transcript of the deposition is a full, true, and
 14 correct transcript to the best of my ability; that I
 15 am neither attorney for, nor a relative or employee
 16 of, any of the parties to the action or any attorney
 17 or counsel employed by the parties hereto, nor
 18 financially interested in its outcome.
 19 IN WITNESS WHEREOF, I have hereunto set
 20 my hand and seal this date: January 19, 2023.
 21 \S\ PEGGY FRITSCHY HAMILTON, RPR, CSR, CLR
 22 Court Reporter in and for the State of
 23 Washington, residing in Seattle. License expires
 24 July 3, 2024.
 25

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S I G N A T U R E

5 I declare under penalty of perjury
 6 under the laws of the State of Washington that I have
 7 read my within deposition, and the same is true and
 8 accurate, save and except for changes and/or
 9 corrections, if any, as indicated by me on the CHANGE
 10 SHEET flyleaf page hereof. Signed in.....WA
 11 on the.....day of,, 2023.

.....

KSHAMA IYENGAR SAWANT

Taken: January 12, 2023

PEGGY FRITSCHY HAMILTON, RPR,
CSR, CLR

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Exhibit 2

LOCAL NEWS

Attorneys weigh in on police officers' lawsuit against Kshama Sawant

Aug 22, 2017, 4:47 PM | Updated: Aug 23, 2017, 10:53 am



BY **MYNORTHWEST STAFF**

The team that brings you MyNorthwest

[Two Seattle police officers are suing Kshama Sawant](#) for “having their reputations ruined by an ambitious politician, doing so for personal gain.”

Read the [lawsuit](#), filed by Williams, Kastney and Gibbs.

Former Attorney General Rob McKenna explains the lawsuit to [KIRO Radio's Jason Rantz](#). [Listen here](#).

Is suing Sawant personally an easier case to make?

McKenna: I think it's a pretty easy case to make that the councilmember was not acting in her official capacity when she accused them of being murderers. The analogy that I would use is that if she walked up to one of these officers and punched them in the face, that would not be part of her official duties. And the city would not be required or even allowed to defend her. Defamation is a different kind of assault. It's an assault on reputation.

What are the next steps in this case?

McKenna: They filed a complaint with superior court and Sawant will have to file an answer to that complaint. She'll probably talk to the City Attorney's office to find out whether they're going to provide a defense for her — by way of City Attorney or by hiring outside counsel to represent her on the City's nickel. What could happen is they decline to provide the City Attorney, which I think is appropriate.

Instead they'd tell her, 'You will hire your own attorney and then you can seek reimbursement from the City and we'll decide whether or not you're going to get it.'

How serious is this?

McKenna: It's pretty serious because accusing someone of murder is a very serious statement. In my opinion, the councilmember has crossed over from political rhetoric to defamation. I think the case can possibly be made, even though it is a high standard. There's not much to say about someone that's worse than accusing them of being a murderer. Maybe a rapist or child molester, etc. In this era we live in when people make reckless, inflammatory statements for political purpose –particularly when the statements are made by a public figure with the following that the councilmember has — I think the law ought to take it seriously. I think these officers should have a good case here. Having said that, it is a high standard. Proving that she knew the statements were false when she made them is a fairly heavy burden to carry. It may be that the sympathies of a jury or judge will be with the police officers here and they'll decide, in this case, that she should have known.

Seattle legal analyst Anne Bremner explains defamation to [KIRO Radio's Dori Monson](#). [Listen here.](#)

Are the police officers public figures?

Bremner: They are public figures and the law says so. There are varying degrees of public figures out there, but you can say, with certainty, that police officers fall in that category.

How does that change things in a defamation lawsuit?

Bremner: It basically means that they have a higher standard that they have to prove, in proving defamation. They have to prove actual malice – it's under a case called [New York Times vs Sullivan](#). Actual malice means a reckless disregard for the falsity of the statements or the truthfulness of the statements. Malice is a high standard admittedly, but it doesn't mean they can't sue. It just means they have a higher burden of proof in terms of the mental element of the one that defamed them.

Is calling the police officer murderers a reckless disregard for the truth by Sawant?

Bremner: Sure. The fact is that murder means a criminal act. She's not saying they're responsible for a death or that they killed or etc. She called them murderers, right? That basically means she's accusing them of criminal homicide. They have been cleared by inquest jury, that's a factual determination by that jury. They haven't been charged, criminally. So to call them murderers, clearly, is reckless.